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MANUAL

OF THE

MILITIA LAWS

OF THE

STATE OF OREGON.

RULES AND REGULATIONS ADOPTED IN PURSUANCE THEREOF BY THE STATE MILITARY BOARD, AND APPROVED BY THE GOVERNOR OF THE STATE, AUGUST 13, 1896.

ALSO:

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CORRIGENDA.

Page 71, paragraph 87, the words "first of October in each year" should be stricken out and the words "last day of each quarter" inserted instead.

Page 87, paragraph 101*d*, the word "Sir," in the letter of transmittal, to be followed by the words "I have the honor to transmit herewith."

Page 138, paragraph 332, the word "forty-one" should be "fifty."

Page 141, paragraph 340, the word "special" to be omitted.

Page 194, "Article X" to read "Article XX."

Page 207, "Article XI" to read "Article XXI."

Page 209, "Article XII" to read "Article XXII."

Page 211, "Article XIII" to read "Article XXIII."

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CONSTITUTION.

ARTICLE X.

MILITIA.

Section 1. The militia of this state shall consist of all able-bodied male citizens between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this state.

Section 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in time of peace, but shall pay an equivalent for personal service.

Section 3. The governor shall appoint the adjutant-general and the other chief officers of the general staff, and his own staff; and all officers of the line shall be elected by the persons subject to military duty in their respective districts.

Section 4. The majors-general, brigadiers-general, colonels, or commandants of regiments, battalions, or squadrons, shall severally appoint their staff officers, and the governor shall commission all officers of the line and staff ranking as such.

Section 5. The legislative assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions, and com-

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panies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the constitution or laws of the United States or of the constitution of this state, and shall fix the rank of all staff officers.

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This Chapter Shall be Known as the Military Code.

Authority for the organization of the militia: "The militia exists by authority of the constitution of the state."—Constitution, article X.

MILITARY CODE.

An act for the more efficient organization and discipline of the militia of the state of Oregon.

Be it enacted by the legislative assembly of the state of Oregon:

Section 1. The militia of this state shall consist of all able-bodied male citizens between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this state.

Section 2. It shall be the duty of the assessor of each county in this state, annually, at the time prescribed by law for assessing property, to make out a list of all persons in their respective counties who are liable to do military duty under the laws of the United States and of this state, which list shall be alphabetically arranged and shall designate the precinct in which each person named in such list resides, which shall be filed by such assessor in the office of the county clerk of their respective counties, at the same time and in the same manner as is provided by law for the assessment roll, and the clerk shall keep the same open for inspection as is pro-

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vided by law for the assessment roll, and also record the same in his office in a book to be kept by him for that purpose.

Section 3. The said list of persons liable to military duty shall be corrected in the same manner and at the same time as is provided by law for the assessment roll, and it shall be the duty of the county clerk of each county to deliver to the adjutant-general of the state a duplicate of said list, certified by him, within twenty days after the list has been corrected, and the compensation for making out said military list shall be the same as for making out the assessment roll.

Section 4. If any assessor shall neglect or refuse to perform any of the duties required of him by this act, or shall fail to record and make return of all persons liable to military duty, he shall be subject to the same penalties, liabilities, and punishments as are provided by law for neglect or refusal to perform any of the duties required of him for the assessment of civil taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of the state by the district attorney of the respective counties, and recovered in the name of the state, and paid into the military fund of the state; and if the county clerk shall neglect or refuse to make and deliver to the adjutant-

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general a duplicate of the military assessment list, as directed by this act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to assessor, and paid into the military fund of the state.

Section 5. Whenever the governor of the state deems it necessary, he may order an enrollment of all persons, other than the members of the national guard, liable to military duty, to be made by persons by him designated. Such enrollment shall state the names, residence, age, and occupation of the persons enrolled. Four copies of such enrollment shall be made; one shall be retained by the enrolling officer; one shall be filed in the office of the town or city clerk in which the enrolled persons reside; one in the office of the clerk of the county in which the enrollment is made, and one in the adjutant-general's office. The compensation of enrolling officers appointed by the governor shall be fixed by the legislative assembly.

Section 6. Officers and assessors making an enrollment of persons liable to military duty shall, at the time of making the same, serve a notice of such enrollment upon each person enrolled, either in person or by mail, to his usual address. An officer commanding any organization of the Oregon national guard must furnish

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the assessor of the county, town, or city in which the organization is located, the names and residence of all the members of his command. All other persons claiming exemption must file a written statement of such exemption, verified by affidavit, in the office of the county clerk, within fifteen days after receiving such notice, which claim and verification shall be submitted to the county board of equalization, as provided for in section three; and all persons exempted by this board according to law shall have the word "exempt" written opposite their names, and the remainder of all thus enrolled shall constitute the reserve militia of the state.

Section 7. The following persons are exempted from military duty, except in case of war, insurrection, invasion, or imminent danger thereof:—

1. Ministers of religion.
2. Civil and military officers of the United States.
3. Civil officers of the state of Oregon.
4. All persons exempt from military duty by the laws of the United States.
5. All persons who have served in the Oregon national guard for the term of five years and have been honorably discharged therefrom.
6. All persons who have served in the army, navy, or volunteer force of the United States and have been honorably discharged therefrom.
7. All idiots, lunatics, habitual drunkards,

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paupers, and persons convicted of infamous crimes, are exempt from military duty under all circumstances.

Section 8. All persons enrolled as subject to military duty, and such other male persons as shall voluntarily enroll themselves shall be divided into two classes, viz.:

1. The active militia of the state, to be known as the Oregon national guard; and,

2. All those subject to military duty who are not members of the Oregon national guard, to be known as the Oregon reserve militia.

Section 9. The governor of the state shall be commander-in-chief of the militia and shall commission all officers of the Oregon national guard and appoint all officers of the Oregon reserve militia when called into active service, until fully organized. He shall, with the consent of the senate, appoint all general officers, and may fill any vacancy that occurs until the meeting of the senate. General officers shall hold office for four years and until their successors are chosen and qualified.

Section 10. The Oregon reserve militia, when called into service, shall be assigned to the Oregon national guard, or arranged into divisions, brigades, regiments, battalions, and squadrons, as the commander-in-chief may elect, and according to the number called out. A division shall consist of not less than three brigades and

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a brigade of not less than three regiments, and there shall be one major-general to each division, and one brigadier-general to each brigade, but if only two brigades are organized, a major-general shall be appointed to command them. When organized, or assigned, the Oregon reserve militia shall be subject to the laws, rules, and regulations of the Oregon national guard, except that the commissioned and noncommissioned officers of regiments, battalions, squadrons, companies, troops, and batteries shall be the same as those of similar organizations in the United States army. Whenever it shall be necessary to call out any portion of the enrolled militia other than the national guard, the commander-in-chief shall direct his order to the mayor of any city, or the judge of any county, who, upon receipt of the same, shall forthwith proceed to draft as many of the enrolled militia in his city, or county, or accept as many volunteers as are required by the commander-in-chief, and shall forthwith forward to the commander-in-chief a list of the persons drafted or accepted as volunteers.

Section 11. The staff of the commander-in-chief shall consist of one adjutant-general, who shall be chief of staff, one inspector-general, one quartermaster-general, one commissary-general, one paymaster-general, one chief of ordnance, one judge advocate-general, who shall be a law-

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yer of good repute, one chief of engineers, who shall be educated as an engineer, one surgeon-general, who shall be a graduate of some incorporated school of medicine, each of the grade of colonel and three aides-de-camp of the grade of lieutenant-colonel, all of whom shall be appointed by the commander-in-chief, and shall hold office during his pleasure and until their successors are appointed and qualified.

Section 12. A major-general's staff shall consist of one assistant adjutant-general, of the grade of colonel, one assistant inspector-general, one assistant quartermaster-general, one commissary of subsistence, one engineer officer, one ordnance officer, one judge advocate, one signal officer, one surgeon, each with the grade of lieutenant-colonel, and two aides-de-camp, with the grade of major.

Section 13. A brigadier-general's staff shall consist of one assistant adjutant-general, one inspector, one quartermaster, one commissary of subsistence, one engineer officer, one ordnance officer, one judge advocate, one inspector of rifle practice, one signal officer, one surgeon, each of the grade of major, and two aides-de-camp of the grade of captain.

Section 14. All engineer officers shall be appointed from persons educated as civil engineers; surgeons and assistant surgeons shall be of good repute and licensed to practice or graduates of

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some incorporated school of medicine, and all judge advocates shall be attorneys of the supreme court and of good repute.

Section 15. All staff officers of divisions, brigades, regiments, battalions, and squadrons shall be appointed by the commanders of these organizations, and shall hold office during their pleasure, or until their successors are appointed and qualified.

Section 16. The infantry shall be organized with three battalions to a regiment and four companies to a battalion. The cavalry will be organized with three squadrons to a regiment, and four troops to a squadron. The artillery will be organized in separate batteries, but may be arranged by the commander-in-chief in battalions of from two to four batteries, under command of a major of artillery.

Section 17. All commissioned officers and all militia organizations are at all times subject to be called into active service by the commander-in-chief or the president of the United States, and when so called each officer shall be mustered according to his commission, and each organization will as far as possible be kept intact.

Section 18. Every member of the enrolled militia ordered out by competent authority, or who volunteers for service, who does not appear at the time and place designated by the officer authorized or directed to make the call, or who

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has not some able-bodied and proper substitute at such time and place, or who does not produce a sworn certificate of disability from a physician in good standing, shall be taken to be a deserter and dealt with as prescribed in the articles of war of the United States, which articles of war shall govern all troops in active service as far as may be practicable.

OREGON NATIONAL GUARD.

Section 19. The uniformed militia of the state is the Oregon national guard, and shall consist of all persons who may enlist, or be appointed or commissioned therein. It shall constitute one brigade, and one brigadier-general shall be appointed to command it. No other general officer shall be appointed unless it becomes necessary to call the Oregon reserve militia into active service. No person shall be eligible to appointment as brigadier-general who has not served at least three years in the Oregon national guard, or the regular or volunteer forces of the United States.

Section 20. In time of peace, or until the legislature may otherwise provide, the Oregon national guard shall be composed of not more than thirty companies of infantry, two troops of cavalry, and one battery of light artillery; if at any time the number of companies, troops, and batteries is less than thirty, the military board may organize a battalion of naval militia, to consist

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of from two to four companies, whose uniform, organization, discipline, and exercise shall conform as nearly as possible to that of the navy of the United States, and whose members shall be controlled by the provisions of the military code of the state and such regulations as the military board may prescribe. The companies and troops herein authorized shall be arranged into battalions, squadrons, and regiments by the military board. The maximum number of enlisted men shall be two thousand, and no company, troop, or battery shall consist of less than thirty-six noncommissioned officers and privates. Any company, troop, or battery having less than this minimum number of enlisted men properly on its rolls at any quarterly or annual muster shall be disbanded by the commander-in-chief. The maximum number of each organization shall be fixed by the military board.

Section 21. The field officers of a regiment shall be one colonel, one lieutenant-colonel, and one major to each organized battalion. [Intended to read: and to each organized battalion, one major.] The regimental staff shall consist of one adjutant, one quartermaster, one commissary of subsistence, one engineer officer, one signal officer, each with the grade of first lieutenant; one inspector of rifle practice, one surgeon, one chaplain, with the grade of captain; one assistant surgeon, with the grade of first lieuten-

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ant, and one assistant engineer officer, with the grade of second lieutenant. A separate battalion of from two to four companies will be commanded by a major, five or six companies by a lieutenant-colonel, and shall have as staff officers one adjutant, one quartermaster, one commissary of subsistence, one signal officer, one inspector of rifle practice, and one assistant surgeon, each of the grade of first lieutenant. A battery of artillery shall have as officers one captain, two first lieutenants, and two second lieutenants. The officers of infantry companies and cavalry troops shall be the same as those of similar organizations in the United States army. The noncommissioned staff officers of regiments and battalions, and the noncommissioned officers of companies, shall be prescribed by the the military board in the rules and regulations; they shall be appointed by the commanding officers of their respective organizations, and may be reduced to the ranks by the same authority.

Section 22. The brigadier-general, the adjutant-general, the inspector-general, the judge advocate-general, and the surgeon-general shall constitute a state military board, which shall be an advisory board to the commander-in-chief on all military interests of the state. The brigadier-general shall be president, and the adjutant-general, secretary of the board. They shall meet quarterly in the office of the adjutant-general,

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which shall be provided in the state house, where all records shall be kept for the transaction of such military business as may require their attention. They are authorized and empowered to prepare and promulgate the necessary rules and regulations for the organization, government, equipment, instruction, and compensation of the Oregon national guard required by this act and not herein provided for, and to make such change in the military organization of the national guard as may be necessary to conform said organization to that of the army of the United States rules and regulations made by them in conformity with this act, when approved by the commander-in-chief, shall be in force from the date of their publication in general orders. They shall audit all claims and accounts of a military nature against the state, and all contracts for military supplies or purchases shall be authorized and approved by them before being valid against the state. They shall designate the amount of, and require bonds to be given, with good and satisfactory sureties, by all officers who have military, state, or United States property or public moneys in their charge or possession, such bonds to be filed with the adjutant-general before commissions are issued. They shall cause to be procured the uniforms, arms, equipments, and camp and garrison equipage necessary for the use of the national

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guard, or other state troops. They shall divide the state into military districts, which may be changed from time to time as circumstances require. A majority of the board shall constitute a quorum to do business, and the board may adjourn to such time and place as is required by the interests of the state. The secretary shall keep, in a book prepared for the purpose, an accurate record of all proceedings of the military board, shall record all bills presented and allowed, a statement of all contracts for supplies entered into and all rules and regulations adopted for the government of state troops, which books shall be open to the inspection of the governor of the state or any committee of the legislature, and the members of the board shall receive the mileage and per diem provided in section twenty-eight.

Section 23. The uniform of the Oregon national guard shall be the undress uniform of the United States army. Every commissioned officer shall provide himself with a suitable uniform, arms, and equipments within sixty days from the date of his commission, or will be considered to have resigned the commission. Every noncommissioned officer and private shall be furnished a uniform at the expense of the state. The military board may in their discretion permit the wearing of full dress, or special uniforms,

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by organizations desiring to do so at their own expense.

Section 24. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge or retain or refuse to deliver to an officer entitled to take possession thereof any uniform, arms, or equipments or other state property which shall have been procured under the provisions of this act, and any member of the Oregon national guard who shall, when not on duty, wear any such uniform or equipments, without the permission of his commanding officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than thirty days, or by a fine of not less than ten and not more than one hundred dollars.

Section 25. There shall be paid to each company, troop, and battery, annually, the sum of three hundred dollars for necessary running expenses, including rent of armory, as follows: Upon the certificate of the adjutant-general that a company, troop, or battery is fully organized and has complied with the law and regulations during the preceding three months, the secretary of state shall once in each quarter, commencing January first, draw his warrant on the treasury to the commander designated in said certificate, for the sum of seventy-five dollars or such proportion of it as may be certified to be

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due. Upon proper verification, the military board shall, at their first regular meeting in each year, allow to each company, troop, and battery a sum equal to five dollars per man for the average number of enlisted men in excess of the minimum number (thirty-six) present for duty during the preceding year, based upon the percentage present at each quarterly muster and the annual muster or encampment when one is held.

Section 26. Each company, troop, and battery of the national guard shall meet at least twice per month for drill and instruction in the prescribed military tactics by its captain or some competent instructor. The commander of said organization shall certify to the adjutant general that he has held at least twenty-four drill meetings of not less than two hours each during the year before being entitled to the allowance provided for in section twenty-five. In addition to these drills, the commanding officer of any organization may require the officers and enlisted men of his command to meet for parade, drill, or instruction at such times and places as he may appoint. In addition to these meetings, all commanding officers of regiments or separate battalions are authorized to assemble the officers of their commands for instruction once each year, and each officer shall receive, when so

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ordered, the mileage and per diem provided in section twenty-eight.

Section 27. There shall be an annual muster of each organization by the brigade commander, or some competent officer detailed by him for the purpose, or by the inspector-general, and whenever practicable there shall be held each year an encampment of the whole or such parts of the national guard as the commander-in-chief may direct, at which encampment the companies, troops, and batteries shall be exercised in brigade or regimental and battalion evolutions and field manœuvres. Such camp of instruction shall continue for a period of not less than five nor more than ten days, and shall be governed by regulations prescribed by the military board. In addition to the annual muster there shall be a quarterly muster and inspection of each regiment, separate battalion, squadron, or independent company, troop, or battery by the commanding officer thereof, or by some officer detailed by the commander-in-chief or brigade commander; and all officers while on such duty shall receive the mileage and per diem provided in section twenty-eight.

Section 28. While in attendance at the annual camp of instruction, and in going to and returning therefrom, the members of the Oregon national guard shall receive the following compensation per diem: Noncommissioned officers,

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musicians, and privates, one dollar and fifty cents; lieutenants, two dollars; captains, staff officers, and field officers, three dollars; general officers, four dollars; and in addition thereto, each officer and enlisted man of the Oregon national guard shall be entitled to one ration per day; and in addition thereto all officers while on special or other duties under this act shall receive five cents per mile each way from their place of residence to their post of duty and return, or the actual cost of transportation.

Section 29. The commander-in-chief shall have power, in case of invasion, insurrection, forcible obstruction to the execution of the laws or reasonable apprehension thereof, breaches of the peace or imminent danger thereof, to order into the service of the state any of the companies, batteries, battalions, regiments, or brigades of the Oregon national guard or any of the enrolled militia force of the state that he may deem proper and under the command of such officers as he shall designate, and in such case the forces so called into service shall receive the same pay and rations as troops in the service of the United States, unless such service be for less than thirty days, when the enlisted men shall be paid as provided in section twenty-eight. All members of the national guard, reserve militia, or volunteers ordered out by proper authority for such service shall not be liable civilly or

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criminally for any act or acts done by them in the performance of their duty in obedience to orders.

Section 30. Any noncommissioned officer, musician, or private, who shall neglect or refuse to obey orders of his commanding officer, in case of invasion, insurrection, riot, tumult, breach of the peace, or resistance to process hereinbefore mentioned, shall be liable to a fine of not less than twenty nor more than one hundred dollars, and imprisonment in the county jail for a period not exceeding three months.

Section 31. If any officer or enlisted man is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty according to law, in case of invasion, insurrection, or disturbance of the peace, he, his widow, children, or dependent mother, shall receive from the state such just and reasonable relief as the legislature shall deem proper.

Section 32. The uniforms, arms, horse used in the service, and equipment of each officer and soldier of the Oregon national guard shall be exempt from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

Section 33. No person belonging to the military forces of this state shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty. Any por-

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tion of the national guard or reserve militia parading, or performing any duty, according to law, shall have the right of way in any street or highway through which they may pass; *provided*, the carriage of the United States mails, the legitimate functions of the police, and the progress and operation of fire engine and fire departments shall not be interferred with thereby. Any person belonging to the military forces of the state going to or returning from any parade, encampment, drill, or meeting which he may be required by law or order to attend, shall, together with his conveyance and the military property of the state, be allowed to pass free through all tollgates and over all bridges and ferries.

Section 34. In case of any breach of the peace, tumult, riot, or resistance to the process of the state, or imminent danger thereof, any county judge of any county, on the application of the sheriff or the mayor of any city, may call for aid upon the commanding officer of the national guard stationed therein or adjacent thereto. The commanding officer upon whom the call is made shall order out, in aid to the civil authorities, the military force, or any part thereof under his command, and shall report what he has done and all circumstances of the case to the commander-in-chief, who may confirm or countermand his action.

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COURTS-MARTIAL.

Section 35. The military courts of this state shall be:—

1. General courts-martial;
2. Regimental courts-martial;
3. Courts of inquiry;
4. Summary courts; and,
5. Courts of discipline.

Section 36. The commander-in-chief may order general courts-martial for the trial of officers and men of the national guard and of the reserve militia, and shall appoint a judge advocate for the same. The proceedings and findings of such general courts shall be reviewed and approved or disapproved by him, and the sentence confirmed, mitigated, or remitted. The proceedings of all trials by such general courts shall be submitted to the judge advocate-general for his opinion as to the legality of the proceedings and sentence, before being finally acted upon.

Section 37. Regimental courts-martial may be convened by order of the commander of regiments, separate battalions, and squadrons, and the officers ordering the courts shall be the reviewing officers and pass upon the proceedings, findings, and sentence; but the record in any case may be called for by the commander-in-chief, be reviewed by him, and the sentences mitigated or remitted, as he may determine.

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Section 38. Courts of inquiry, to consist of from one to three officers, of at least equal grade with the officer accused, may be ordered by the commander-in-chief, a division or brigade commander, for investigating the conduct of any officer, or for investigating any facts made the subject of military complaint. Such court of inquiry shall without delay report the evidence adduced, a statement of the facts, and, when required, an opinion thereon, to the office ordering the court.

Section 39. Summary courts may be ordered by brigade, regimental, battalion, squadron, company, troop, and battery commanders, and shall consist of the officer next in rank and command to the commanding officer, and the officer so appointed is hereby authorized and empowered to subpœna witnesses and to administer oaths, and shall have all the powers and duties of the president of any military court, and may direct a noncommissioned officer, or any other fit person, to summon all accused parties to appear before the court, at the time and place he may appoint, which service shall be personal, or by leaving such summons at the residence of the accused.

Section 40. Courts of discipline may be ordered by the commanders named in the preceding section (thirty-nine) and shall be composed of such officers and noncommissioned officers as the state military board may prescribe, and shall

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have cognizance of all offenses under the constitution and bylaws of any military organization which have been approved by the commander-in-chief.

Section 41. The members and judge advocate of all military courts, except courts of discipline, shall keep secret the proceedings, findings, and sentences of such courts until the same shall have been approved or disapproved by the proper officer, and shall always keep secret the vote or opinion of any member of the court unless required to give evidence before a court of justice.

Section 42. The president or the judge advocate of any military court, both before and after being sworn, may issue subpœnas for witnesses whose attendance at such court may be necessary, in behalf of the people of the state, and, on application, for all witnesses in behalf of any person charged, accused, or returned as delinquent, and may direct the commanding officer of any organization to cause such subpœna to be served on any member of his command. The president of a military court may, upon proof of the service of a subpœna, issue bench warrants to compel the attendance of witnesses, or may issue an order of court to compel the attendance of the accused. Such bench warrants and orders shall be served in the same manner as bench warrants in civil cases in courts of record. The person arrested for nonattendance shall pay the

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fees for such service, besides the penalty provided, unless he satisfies the court that his failure to attend was excusable. The court may issue execution for such fees, which shall be levied in the same manner as other executions. Every witness or other person not appearing in obedience to such subpœna, or order of the court, shall forfeit to the people of the state the sum of twenty-five dollars. The president of such court shall, from time to time, report to the judge advocate-general the names of all delinquent witnesses, or persons, with proof of service of subpœna or order of court, and the judge advocate-general shall sue for and recover such penalties in the name of the state.

Section 43. Every officer authorized to review the proceedings of a court-martial, or his successor in command, is authorized to reconvene the court and send back its proceedings, findings, and sentence, or either of them, for revision, and to remit or mitigate any punishment awarded by the court. The sentence of the court, as approved or modified, shall be published in general orders, and the record of sentence entered in the docket-book of any military organization, and approved by the reviewing officer, shall be *prima facie* evidence of the facts therein recited to any justice of the peace.

Section 44. The state military board shall, in the rules and regulations of the Oregon national

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guard, provide regulations for all military courts and the form of oath to be taken by the present judge advocate, recorders, and witnesses; and the rules and regulations so provided shall as nearly as may be conform to the rules, regulations, and methods of procedure governing courts-martial in the United States army.

Section 45. When fines assessed by courts-martial or courts of discipline are not paid within ten days after the sentence is approved by the reviewing officer and returned to the commandant, a list thereof, and of the delinquents, shall be placed in the hands of a justice of the peace within the district in which the delinquents respectively reside, who shall thereupon render judgment against such delinquents severally, together with the costs of suit, without issuing summons, and shall issue execution thereon, without stay, directed to any sheriff or constable of the proper district, who shall collect the same as by execution at law without exemption. If any justice of the peace fail to carry out the provisions of this section, he shall be liable to a fine of three hundred dollars, to be enforced by the county judge.

Section 46. Dues levied by the bylaws of any organization may be collected by civil suit without right of stay or exemption, and all suits for the collection of fines or dues shall be brought in the name of the state of Oregon for the use

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of the regiment, battalion, squadron, company, battery, or troop, by the district attorney of the proper district upon the request of the commanding officer of the organization to which the defendant belongs.

Section 47. Courts-martial have power, on conviction, to punish by dishonorable discharge, expulsion, or dismissal, by depriving officers of their rank, or by such other and usual military fines and penalties as are customary in the armies of the United States, but shall not have power to punish by imprisonment for more than five days, except in time of war, insurrection, and rebellion; such judgment of imprisonment, when it becomes final, must be executed by the sheriff of the county in which the court held its session, and the judgment of the court, when certified by its president, shall be a sufficient warrant to said sheriff to arrest and detain the defendant for the period of time named in the judgment.

Section 48. Every sheriff and constable must serve all orders, executions, subpœnas, or process delivered to him for that purpose by the president or judge advocate of a court-martial or a justice of the peace, carrying out the sentence of a military court.

Section 49. Any sheriff, deputy sheriff, or constable receiving an order of execution from a justice of the peace, carrying into effect the

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sentence of a military court for fine or delinquent dues, shall levy upon any personal or other property of the person named in the order, and no property shall be exempt from the payment of fines and penalties so imposed. In default of sufficient property to satisfy the same, the officer executing the order shall take the body of the delinquent and convey him to the common jail of the city or county in which he may be found, whose jailor shall confine him for five days for any fine or penalty not exceeding five dollars, and one additional day for every dollar above that sum, unless the fine or penalty, together with the cost of jailor fees, be sooner paid. Such imprisonment shall not extend beyond twenty days, and the prisoner may be liberated at any time by the order of the officer who ordered the court that imposed the fines and penalties.

Section 50. Officers and enlisted men fined by a military court who shall neglect or refuse to pay any such fine within forty days after the same was imposed, may be discharged for cause or dishonorably discharged from the service by the officer ordering the court, without allowance for the time served, or being entitled to any immunities provided by law for service, and shall thereby be disqualified from serving in the national guard for the period of five years.

Section 51. All fines and penalties paid in by

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or collected from any defendant shall be paid into the military fund of the organization to which he belongs, or for the infraction of whose bylaws he has been tried, as shall be determined by the court trying him and stated in his sentence.

Section 52. A commissioned officer, except for delinquencies under the bylaws, shall be tried only by a general court-martial, and may be sentenced to be dishonorably discharged, to be cashiered, and shall thereby become incapacitated from holding any military commission, to be fined in any amount not exceeding one hundred dollars, and to be reprimanded, or to all and either of such fines and penalties; and any commissioned officer refusing or neglecting to pay over moneys coming into his possession by virtue of his possession as an officer of the national guard shall in addition to other penalties be fined the full amount of his defalcation or moneys so retained.

MILITARY FUND.

Section 53. The secretary of state is hereby authorized and required to draw a warrant on the treasurer of the state for the gross amount of all duly authenticated bills and estimates, audited by the state military board and approved by the commander-in-chief, which amount or amounts, not exceeding the appropriation for

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the military establishment, shall be placed by the treasurer to the credit of the paymaster-general of the Oregon national guard, and subject to his official warrant in favor of the persons to whom the state is indebted for military purposes.

Section 54. All bills, accounts, and vouchers audited by the military board and approved by the commander-in-chief shall be paid by the paymaster-general. He shall keep in a book prepared for the purpose an accurate and itemized account of all moneys placed to his credit and expended for military purposes, and shall file the original of all bills, vouchers, and payrolls as subvouchers thereto. The financial statement of the Oregon national guard shall be examined by the military board at each quarterly session, and, if found to be correct, will be so indorsed by the presiding officer of the board, attested by the secretary, and a minute of it made in the proceedings of the board.

Section 55. The members of the military board at their authorized meeting, if required to be absent from their station or business, shall be paid the per diem allowed officers of their grade during encampments, while in actual attendance at the meetings of the board and in going to and returning from the same, and five cents per mile, or the actual cost of transportation, for the distance necessarily traveled. Officers and enlisted men on court-martial or special duty by

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order of the commander-in-chief, brigade commander, or president of a court-martial, will be paid such rates and in such manner as may be prescribed by the military board in the rules and regulations. The military board may also allow to enlisted men ordered away from their stations payment in advance for such service as is required of them.

STAFF DEPARTMENTS.

Section 56. In time of peace the adjutant-general shall be *ex officio* quartermaster-general, and shall perform the duties of this office as well as the duties of paymaster-general and chief of ordnance, and these officers will not be appointed. He shall give such bond to the state for the proper discharge of the duties of his several offices as the military board may determine, said bond to be placed in the custody of the secretary of state as security to the state. He shall receive a compensation of twelve hundred dollars per annum, to be paid by warrant of the secretary of state on the treasurer in monthly installments of one hundred dollars each. He shall attest, record, and seal with the seal of the state all commissions issued by the governor, and keep a register of all commissioned officers, with dates of commission, and all changes occurring in the commissioned force. He shall, on or before the first day of November in each year prior

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to the assembling of the legislature of the state, make a report to the commander-in-chief of the transactions and expenditures of his department, and the condition of the national guard. He shall cause to be prepared and issued to the different organizations of the national guard all necessary books and blanks for reports, records, returns, and general administration, and shall, at the expense of the state, cause the military laws, military code, and rules and regulations in force to be printed, bound in proper form, and distributed, one copy to each commissioned officer and one each to all county judges, sheriffs, assessors, and justices of the peace in the state, and shall procure and supply all necessary text-books of drill and instruction. He shall keep in his office an accurate account of all state or United States property in possession of the national guard, and shall make up the return of United States property issued to the state. He shall keep on file in his office all official bonds, the reports and return of troops and heads of military departments, and all other writings and papers which are required to be transmitted to and preserved at the general headquarters of the national guard. He shall certify to the secretary of state before the last day of March, June, September, and December, the strength, condition, and name of commander of each company, troop, and battery then in ex-

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istence, and shall perform all other duties properly pertaining to the office of adjutant-general and chief of staff, or required by this act. He may, whenever the duties of the office require it, appoint an assistant adjutant-general, who shall have the grade of major, and shall take his place, and perform his duties when he may be absent.

QUARTERMASTER-GENERAL.

Section 57. The quartermaster-general shall provide the necessary transportation for all troops and properly required by the exigencies of the service, keep a record of all means of transportation in the state available for mobilizing the Oregon national guard and the reserve militia, and perform all other duties pertaining to his office and department of service.

COMMISSARY-GENERAL.

Section 58. The commissary-general shall provide for procuring and issuing the necessary subsistence for troops ordered into service, and the appliances for cooking and serving the rations, or may make contracts for feeding troops in lieu of issuing rations, and perform such other duties as properly belong to his office and may be required of him by the commander-in-chief.

PAYMASTER-GENERAL.

Section 59. The paymaster-general shall pay all accounts for services or supplies due from the

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military fund, and referred to him by the military board or proper departments, and keep an accurate account of all money placed to his credit for military purposes and paid out for expenses of the Oregon national guard and reserve militia, and preserve and file all vouchers or accounts on which money has been paid. If funds are not available at any time for the payment of accounts, he may issue certificates of indebtedness in favor of claimants, upon which certificates no interest will be allowed.

CHIEF OF ORDNANCE.

Section 60. The chief of ordnance shall keep an account of all ordnance and ordnance stores issued to the national guard or reserve militia, or on hand in the department, with condition of same; shall procure all ammunition and target material, and provide for the procuring and fitting up target ranges, and the details of target practice; inspect all ordnance purchased for or supplied to state troops, and perform all other duties pertaining to his office or that may be required of him by the commander-in-chief.

INSPECTOR-GENERAL.

Section 61. The inspector-general shall personally or through his assistants, the division and brigade inspectors, inspect, as often as may be deemed necessary by the commander-in-chief,

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every branch of the military service, including armories, storehouses, camps, and military property, and report to the general headquarters the condition, discipline, drill, and instruction of the national guard, the value of bonds and sureties of officers, the condition of military property belonging to the state, and all matters pertaining to his department. He shall have power to condemn and dispose of all unserviceable state property.

JUDGE ADVOCATE-GENERAL.

Section 62. The judge advocate-general is charged with the supervision, care, and arrangement of all matters relating to the administration of justice among military forces of the state. He shall diligently scrutinize and examine the proceedings of all courts-martial referred to him and report thereon for the information of the commander-in-chief. Under the orders of the commander-in-chief he shall act as judge advocate of any court-martial when the public interests require it. He shall be the legal advisor of the several staff departments upon all legal questions which may arise therein, and shall, whenever required by proper authority, furnish the commanders of troops with his legal opinion upon cases of military jurisprudence affecting the official action of said officers. He shall prosecute on behalf of the people of the state

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for fees or fines certified to him by the president or judge advocate of any court-martial.

SURGEON-GENERAL.

Section 63. The surgeon-general shall have charge of the hospital corps and ambulance service, and provide for the care of the sick and wounded when the Oregon national guard or reserve militia, or any part of it, may be called into active service. He will provide the necessary means, appliances, and articles for the prompt and efficient care of the sick or wounded, see to the organization and instruction of the hospital corps, and examine into and make recommendation in regard to the sanitary condition of all camps, take cognizance of all epidemic or contagious diseases prevailing in any military district, and make to the commander-in-chief recommendations in regard thereto.

ELECTION AND APPOINTMENT OF OFFICERS.

Section 64. The field officers of regiments, and battalions, and squadrons, parts of regiments, shall be elected to their office by the written or printed votes of the commissioned officers of the companies or troops of their respective regiments, of separate battalions or squadrons by the officers of these organizations. Company, troop, and battery officers shall be elected by the written or printed votes of the

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noncommissioned officers and privates of their companies, troops, and batteries. No person shall be eligible to the office of colonel who has not served at least three years either in the national guard or in the regular or volunteer forces of the United States.

Section 65. All officers, except general officers, elected to office, all staff officers appointed by the brigade, regimental, battalion, or squadron commanders, shall be examined as to their qualifications for office under such rules as may be prescribed by the military board, and no officer so elected or appointed shall be commissioned until he has passed a satisfactory examination before a board as to his knowledge of military affairs proportionate to the office to be held and his general knowledge and fitness for the service. The military board are hereby empowered to summon any officer of the national guard, except the staff of the commander-in-chief, before a board of examination that they shall provide to inquire into his fitness for the office he holds; and any officer failing to appear before said board, after proper notification, shall be deemed guilty of disobedience of orders and may be dishonorably dismissed from the service by order of the commander-in-chief.

Section 66. All commissioned officers take rank in their respective grades according to the date of commission, and when the com-

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missions are of the same date by length of previous service in the national guard, if of equal service, then by lot. Officers of the national guard are of superior rank to officers of the reserve militia of the same grade.

Section 67. All officers receiving commissions in the Oregon national guard shall accept the same within ten days, and shall forward with the letter of acceptance an oath, taken before a notary public, justice of the peace, or commissioned officer, to support the constitution of the United States, the constitution of the state of Oregon, and to bear true faith and allegiance to each. Any officer who does not accept his commission within ten days shall be considered to have declined, and the vacancy will be filled by new election or appointment.

Section 68. All field officers shall be residents of the military district in which their regiment, battalion, or squadron is situated. Field officers removing from the military district of their organization shall be considered to have resigned, and unless delinquent or responsible for property or money, the adjutant-general shall announce the vacancy, which shall be filled in the manner prescribed in the rules and regulations. All company officers must be residents of the station, or its vicinity, where the company, troop, or battery is located.

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Section 69. Any officer resigning his commission must do so in writing addressed to the adjutant-general, and transmit the same through his immediate commanding officer, who will make his indorsement thereon. The resignation takes effect when accepted by the commander-in-chief and announced in orders. Officers desiring to leave their commands for more than seven days must procure a leave of absence from the proper authority. No officer shall leave the state without permission from the commander-in-chief.

Section 70. No officer shall be allowed to resign his commission who shall be under arrest, suspension, or returned to any military court for delinquency, and no resignation shall be accepted unless the officer shows proper receipt for all state and United States property, and all public money for which he is responsible, and a certificate from his commanding officer that he is not indebted to the state or to the organization to which he belongs.

Section 71. Officers and soldiers, after seven years' service, or disabled for active duty while in service, may, upon their own application and after due examination in the case of disability, be transferred to a list to be known as the "National Guard Veterans," to be kept in the office of the adjutant-general, and shall retain their rank at the time of transfer and be entitled to

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wear its uniform on all occasions of ceremony. Upon transfer, their places in the military establishment are vacated and will be filled, but such officers and soldiers may in case of emergency be placed on duty by the commander-in-chief and assigned to vacancies in the national guard, if without prejudice to other officers, or to places in the Oregon reserve militia with the rank held by them when transferred.

ENLISTMENT.

Section 72. All enlistments in the Oregon national guard shall be for a period of three years; on expiration of that term any soldier receiving an honorable discharge may reënlist, either immediately or at any time thereafter, for terms of one or two years, at his option. No minor shall be enlisted without consent of his parent or guardian. Admission to companies, troops, and batteries shall be according to the bylaws thereof, approved by next superior commanders, but no person who has been expelled or dishonorably discharged from any military organization in this state or other states shall be received. Every enlisted man shall be promptly discharged at the expiration of his enlistment unless under arrest, charges, or delinquent for dues. When an organization is consolidated or disbanded, its enlisted men discharged by reason thereof, who thereafter may reënlist, shall

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have allowed to them, as part of their term of service, the time already served, and the officers thereof, if they so elect, may be transferred to the national guard veterans.

Section 73. Every person enlisted in the national guard shall sign an enlistment paper of such form as may be prescribed, and which shall contain an oath of allegiance to the state and the United States. The soldier's name, age, date of enlistment, and description shall be entered in a company descriptive book, and the enlistment paper forwarded, through regular channels, to the adjutant-general.

Section 74. Oaths or affirmations required in any matter connected with the military service, may be administered by any duly commissioned officer, and no charge shall be made for the same.

Section 75. The regimental or state flag shall be of blue silk, with the arms of the state embroidered or painted in the center with the number and arm of service, the regiment in a scroll underneath. The size of the flag shall be six feet six inches fly, and six feet on the pike. The fringe shall be yellow, four inches deep, and the cord and tassels blue and white silk intermixed. The length of the pike shall be ten feet, including the spear.

Section 76. The national flag, markers, and guidons carried by any organization shall be the

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same as prescribed for the same arm in the United States army.

TACTICS AND FIELD EXERCISES.

Section 77. The systems of tactics and field exercises ordered to be observed by the army of the United States, in the different arms of service, or such other system as may be prescribed by the militia laws of the United States, shall be observed by the Oregon national guard or reserve militia of this state, to the exclusion of all other systems.

ARMORIES.

Section 78. The state military board shall have control of all armories and shall prescribe the regulations governing the same. All state and United States property must as far as possible be kept in them, and the commanders of troops using the armories will be held responsible for the safe keeping and proper care of such property and its protection against misappropriation or loss. Armories, while occupied by troops, shall be considered military posts and be under the exclusive control and jurisdiction of the senior officer commanding.

Section 79. The county court in each county of the state is hereby authorized, whenever it deems proper, to erect armories, safe, suitable, and of sufficient size for the drill of a company

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or battalion, in any county where one or more companies are fully organized under the laws of the state of Oregon; *provided*, that if two or more companies are organized in one city said companies shall each have use of said armory.

DISCIPLINE.

Section 80. Any officer or enlisted man who disobeys the order of his superior, uses reproachful or abusive language to his superior, or misbehaves or demeans himself in any unofficer-like or unsoldierly manner, while under military orders, must be immediately arrested; if an enlisted man, he must be disarmed and put under guard and tried and punished by a court-martial, as provided in the rules and regulations.

Section 81. If any person interrupts or molests or insults, by abusive words or behavior, any officer or enlisted man while in the performance of military duty, he must be at once put under guard, and kept, at the discretion of the commanding officer of the force, until the setting of the sun of the same day on which the offense is committed, and may then be turned over to the civil authorities to be tried for disorderly conduct.

Section 82. The commanding officer of any parade, review, or drill, or in command of any rendezvous or encampment, shall cause the ground selected for that purpose to be marked or

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designated so as not to obstruct the passage of travelers on any public highway, and if any person during the occupation of such ground for military purposes enter upon such ground without the permission of the officer commanding he may be put and kept under guard, by the direction of such commander, until the setting of the sun of the same day.

Section 83. The articles of war and rules and regulations of the army of the United States, so far as the same may be applicable, and the rules and regulations prescribed by the military board, in compliance with the military law of the state and the provisions of this act, constitute the rules and regulations for the Oregon national guard, and shall have the same force and effect as the provisions of this military code.

Section 84. All active members of the Oregon national guard are hereby declared exempt from all military, poll, or roadtax, service on *posse comitatus* and jury duty so long as they continue to be active members of the military organization of the state, and after five years' service shall be exempt from further jury duty, and the adjutant-general shall issue them a certificate to that effect.

PENSIONERS AND WAR RECORDS.

Section 85. All records of Oregon volunteers enlisted for the war of the rebellion or Indian

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wars, and of individual claims of citizens of Oregen, for service rendered in these wars, shall be kept in the office of the adjutant-general, which officer shall present all just claims for pensions to the proper authorities, without charge to the claimant. The adjutant-general shall establish and maintain as part of his office a bureau of records of the services of the Oregon troops during the war of the rebellion and Indian wars, and shall be the custodian of all records, relics, trophies, colors, and histories relating to such wars now in the possession of or which may be acquired by the state of Oregon, and such records, relics, trophies, colors, and histories shall be catalogued and arranged or filed for general reference and protection in the office of the adjutant-general at the state capitol. For this service the adjutant-general shall be paid, from the general fund of the state, the sum of fifty dollars per month.

Section 86. The Oregon national guard, as now authorized and organized shall be the Oregon national guard under this act, and all commissioned officers hold their offices for the terms prescribed when commissioned and all enlistments be valid.

Section 87. This act shall be printed in pamphlet form, and the adjutant-general shall distribute to each commissioned officer of the Oregon national guard of the state one copy thereof

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at as early a date as possible after its approval by the governor, and shall also furnish one copy to each county judge, sheriff, and justice of the peace in localities where troops are stationed.

Section 88. An act designated "An act for the more efficient organization and discipline of the militia of the state of Oregon," passed at the fourteenth regular session of the legislative assembly of Oregon, and all other acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Section 89. Whereas it is important to the interests of the state that the more perfect organization and mobilization described by this act should become operative without delay, therefore this act shall take effect from and after it is approved by the governor.

Filed in the office of the secretary of state, March 1, 1895.

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HEADQUARTERS OREGON NATIONAL GUARD,
OFFICE OF STATE MILITARY BOARD,
SALEM, OR., August 13, 1896.

Pursuant to law, the following regulations for the government of the Oregon national guard, are hereby adopted and promulgated.

CHAS. F. BEEBE,
Brigadier-General and President.

B. B. TUTTLE,
Adjutant-General and Secretary.

FRANK V. DRAKE,
Colonel and Judge Advocate-General.

GEO. F. TELFER,
Colonel and Inspector-General.

H. W. CARDWELL,
Colonel and Surgeon-General.

Approved:

WM. P. LORD,
Governor and Commander-in-Chief.

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REGULATIONS

OF THE

OREGON NATIONAL GUARD.

ARTICLE I.

FULL ORGANIZATION.

¶ 1. The infantry and artillery of the state when on a war footing, or called into active service for more than one year, shall consist of three battalions of four companies and batteries respectively. The cavalry shall consist of three squadrons of four troops each. A battalion or squadron acting independently may consist of two, three, or four companies, batteries, or troops.

PEACE ORGANIZATION—INFANTRY.

¶ 2. In time of peace a regiment of infantry shall be composed habitually of two battalions of four companies each. Regiments having more than eight companies when these regulations take effect will retain all their companies until reduced to eight by disbandment or transfer. The number of regiments and battalions and number of companies in each will be regulated from time to time, according to the number of existing companies, by orders from the commander-in-chief.

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CAVALRY.

¶ 3. The two troops of cavalry, if in the same military district, shall constitute a squadron and be commanded by a major of cavalry. Single troops of cavalry or troops in different military districts will act independently, and report directly to brigade headquarters.

ARTILLERY.

¶ 4. The battery of light artillery shall be an independent organization, reporting directly to brigade or general headquarters as the commander-in-chief may direct.

NAVAL MILITIA.

¶ 5. If at any time the number of companies, troops, and batteries is less than thirty, two or more companies of infantry to consist of persons subject to military duty, or finding occupation upon the sea or navigable waters of the United States, or in connection therewith, or engaged in the construction or management of ships or crafts, or any part thereof, together with ship owners and their employés, yacht owners, members of yacht clubs, and all other associations for aquatic pursuits, and all ex-officers and formerly enlisted men of the United States navy may be designated by the military board as an independent battalion, to be known as the naval militia, and to form a naval reserve.

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¶ 6. The battalion of naval militia shall be commanded by a lieutenant commander, and each company shall be commanded by a lieutenant, and shall have in addition one lieutenant (junior grade), two ensigns, and eighty petty officers and men.

¶ 7. The staff of the battalion of the naval militia shall consist of one adjutant, one ordnance officer, and one surgeon, each with the rank of lieutenant (junior grade.)

¶ 8. The military board shall have power to alter, divide, annex, consolidate, or disband the naval militia whenever in its judgment the efficiency of the state forces will thereby be increased.

¶ 9. The adjutant-general of the state in behalf of the governor will make requisition upon the United States government through the navy department for such arms, equipments, and material as may be allowed by law for the naval militia, and will similarly make all the arrangements for opportunities for naval instruction and drill, and apply for the detail of commissioned and petty officers of the navy to act as instructors in the art of naval warfare.

¶ 10. The duty of the naval militia required by the military law may be performed afloat in United States vessels. Officers and men of the naval militia mustered temporarily into the service of the United States and receiving com-

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pensation therefor from the United States shall not during the same time be entitled to compensation for allowances from the state.

¶ 11. The rank of officers in the naval militia is naval rank and corresponds to rank in the national guard as follows: Captain with colonel; commander with lieutenant-colonel; lieutenant commander with major; lieutenant with captain; lieutenant (junior grade) with first lieutenant; ensign with second lieutenant.

GATLING GUN COMPANY.

¶ 12. The commander-in-chief may designate one company of infantry to be known as "The Gatling Gun Company," which shall be armed and drilled as infantry, and also in the use of Gatling guns for street fighting. This company may act independently or be attached to a regiment as the commander-in-chief may direct.

SEPARATE BATTALIONS OR COMPANIES.

¶ 13. Separate battalions or companies may be set off or organized as shall be found necessary or convenient.

INFANTRY COMPANIES.

¶ 14. An infantry company shall have as officers, noncommissioned officers, and musicians: One captain, one first lieutenant, one second

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lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, four corporals, and two musicians.

CAVALRY TROOPS.

¶ 15. A cavalry troop shall have as officers, noncommissioned officers, artificers, and musicians: One captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, one guidon sergeant, four sergeants, four corporals, one blacksmith, one farrier, one saddler, and two trumpeters.

LIGHT ARTILLERY.

¶ 16. A battery of artillery shall have as officers, noncommissioned officers, artificers, and musicians: One captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster sergeant, one stable sergeant, six sergeants, nine corporals, one blacksmith, one saddler, one machinist, and two trumpeters.

STRENGTH OF COMPANIES.

¶ 17. Each company, troop, and battery shall contain not less than thirty-six noncommissioned officers and privates,—artificers and musicians to grade as privates,—and will be divided into four squads, each squad to be under the supervision of a noncommissioned officer. The maximum number of enlisted men to a company of

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infantry shall be sixty; to a troop of cavalry, sixty; to a battery of artillery, eighty; to a company of naval militia, eighty.

NONCOMMISSIONED STAFF OFFICERS.

¶ 18. The noncommissioned staff officers of a regiment shall consist of one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one color sergeant, one drum major, one chief musician, and one armorer; the drum major, chief musican, and armorer to grade as sergeants.

¶ 19. The noncommissioned staff officers of an independent battalion or squadron shall be one sergeant-major, one quartermaster sergeant, and one commissary sergeant.

MILITARY DISTRICTS.

¶ 20. The state is divided into military districts as follows: First district—The counties of Multnomah, Clackamas, Yamhill, Washington, Columbia, Clatsop, and Tillamook. Second district—The counties of Marion, Linn, Polk, Benton, Lane, Douglas, Josephine, Coos, Curry, Klamath, and Lake. Third district—The counties of Wasco, Gilliam, Morrow, Crook, Umatilla, Wallowa, Union, Baker, Malheur, and Grant. These districts will be changed according to circumstances in the discretion of the military board.

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ARTICLE II.

APPOINTMENT OF OFFICERS AND NONCOMMISSIONED OFFICERS.

¶ 21. Each major of an organized regiment will detail, when necessary, an adjutant and a quartermaster from the subalterns, and a sergeant-major from the noncommissioned officers of his battalion. Such detail will continue during the pleasure of the major commanding the battalion.

¶ 22. All noncommissioned staff officers of regiments and noncommissioned officers of companies shall, when their appointment is approved by the commander of the regiment, be given warrants of office, to be signed by the colonel or temporary commander. Commanders of independent organizations will sign the warrants for the noncommissioned officers of their respective organizations. (Form 43.)

OFFICERS ORDERING ELECTIONS.

¶ 23. Elections of company officers will be ordered by the regimental commander.

¶ 24. Elections of field officers and officers of of independent companies shall be ordered by the brigade commander.

APPLICATION FOR ELECTION.

¶ 25. Application will be made by the company, battalion, squadron, and regimental com-

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mander to the proper officer for an election, to be held, and for the appointment of an inspector, stating the vacancy, cause thereof, and the time most convenient for the election to take place. (Form 2.)

INSPECTORS OF ELECTION.

¶ 26. In the election of field officers the inspector must notify the electors of distant or isolated companies of the time for holding the election, and receive their votes by mail, to be opened at the time and place appointed for the election, and after the votes of the electors present are cast. (Form 18.)

¶ 27. Notice of the election of other officers must be sent to all qualified electors by the commander of the organization in which the election is held. Qualified electors are members not in arrears for dues or otherwise delinquent.

¶ 28. All orders for elections shall specify a time and place for holding said election, and shall detail an inspector of election, who shall preside at the meeting and inquire into the eligibility of the candidates before any proceedings take place.

¶ 29. The inspector of election must be an officer who is not affected by the election or eligible to the office.

¶ 30. A list of qualified voters must be furnished the inspector of election by the regimen-

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tal, battalion, or company commander, and certified to as correct.

RETURN OF ELECTIONS.

¶ 31. The inspector of election will make an immediate report to the officer ordering the election, giving the full name, address, rank, corps, and office of the officer elected and the vacancy filled. (Form 29.)

¶ 32. All elections of officers must be by ballot, using written or printed ballots, and a majority of the qualified voters present shall elect, except as provided in paragraph twenty-six.

¶ 33. General officers hold office for four years and until their successors are appointed and qualified.

¶ 34. All staff officers, general and regimental, hold office during the pleasure of the officer appointing them, or until their successors are appointed and qualified.

¶ 35. The commissions of all field and company officers elected since the military code went into effect are held during good behavior, and may be vacated only by resignation or the provisions of the millitary code and regulations of the Oregon national guard.

¶ 36. When not in conflict with the state laws and regulations, the bylaws of boards of officers and companies, which have been duly approved by the commander-in-chief, shall have

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full force and effect in all elections, and no one shall be entitled to vote who is prohibited by the provisions of such bylaws.

¶ 37. All officers will continue on duty with their commands until their successors have been appointed and qualified; or, in cases of resignation, until their resignations have been accepted and announced in orders. All officers of the national guard will hold their offices and continue to perform their duties until properly relieved.

¶ 38. No appeal from the proceedings of any election for commissioned officers shall be allowed unless the person making the same shall have been qualified to vote at such election.

¶ 39. Vacancies caused by promotion may be filled at any regularly ordered election.

¶ 40. An election having taken place, the inspector of election shall at once notify the candidate of his election, and, if the office shall not be accepted within ten days, the person elected shall be considered to have declined the office. (Form D.)

ARTICLE III.

EXAMINATION OF OFFICERS.

¶ 41. All officers of the Oregon national guard, excepting the staff of the commander-in-chief, shall, previous to being commissioned, be examined as to their fitness for office by a

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board of officers to be appointed by the adjutant-general, or some one deputed by him.

¶ 42. This examination shall comprise a knowledge of the United States drill regulations for the arm of the service to which the officer has been elected, or the United States regulations of the staff corps to which he has been appointed, the military code of the state, the regulations of the Oregon national guard, international law, and the articles of war of the United States; and no officer shall be commissioned who has not received a certificate from such board of examination that he is qualified to perform the duties of the office to which elected or appointed physically, morally, and professionally. (Form 26.)

¶ 43. Any officer, not on the staff of the commander-in-chief, may at any time be examined as to his fitness for office by order of the military board.

¶ 44. Upon receipt of a commission the officer will report as directed in the letter transmitting the commission.

¶ 45. Officers of regiments and battalions will be directed to report to the commanding officers of their respective regiments or battalions, except colonels and commanding officers of separate battalions; these, staff officers of brigades, officers of special corps, troops, batteries, and separate companies, will be ordered to report to

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their respective brigade commanders; assistants in staff departments, to the chief of their respective departments.

¶ 46. As no officer can place himself on duty by virtue of his commission alone, commanding officers of brigades, regiments, and battalions will issue orders assigning the officers reporting to them to their legitimate duty.

ARTICLE IV.

CLASSIFICATION OF OFFICERS.

¶ 47. There are three classes of officers: (*a*) general officers; (*b*) staff officers; (*c*) line officers. General officers are, commander-in-chief, major-generals, brigadier-generals; staff officers are, all chiefs, and assistants to chiefs, of staff departments at general and brigade headquarters, and personal aides-de-camp to the governor; line officers are all officers of regiments, battalions, squadrons, companies, troops, and batteries, including the regimental and battalion officers in charge of staff departments.

ARTICLE V.

DUTIES OF OFFICERS — BRIGADIER-GENERAL.

¶ 48. The brigadier-general has charge of the military conduct and administration of the active militia and of the reserve militia when called into service. He shall make an annual

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inspection of the national guard, either in camp or at the stations of the different organizations, and shall make a report to the commander-in-chief of its condition and effectiveness, giving such recommendations as he deems for the best interests of the state. He shall issue all necessary orders for the government and administration of the national guard not provided for by the commander-in-chief or the military board. When making inspections he shall direct such officers of his staff as he may deem necessary to accompany him or to inspect separate organizations. He shall prescribe such tactical instructions as may be most needed by any unit of the state force. He shall at all times keep himself informed of the condition of the state militia as to numerical strength, equipment, armament, instructions, facilities for mobilization and subsistence, and preparation for active service, and is authorized to call upon commanders and the staff departments for the data necessary to supply this information. He will report to the commander-in-chief for disbandment such organizations as, in his judgment, are ineffective or do not comply with the military code or regulations of the national guard.

COMMANDING OFFICERS.

¶ 49. Commanding officers of all military organizations are held responsible for the instruc-

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tion, appearance, and discipline of the officers and men under their charge; for the care and safe keeping of all state and United States property issued to them, and also for the economical and judicious administration of their commands as civil bodies. The preparation of the soldier in time of peace for the condition of actual war is the first consideration to which all others should be subsidiary.

COMMISSIONED OFFICERS GENERALLY.

¶ 50. All commissioned officers should carefully and thoroughly inform themselves as to the duties of their own grade and the grades above them to which they are liable to be assigned at any time, and shall, upon receipt of their commissions and before entering upon any duties thereunder, take the following oath of office:—

STATE OF OREGON, } ss.
County of _____. }

I, _____, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Oregon; that I will bear true faith and allegiance to each, and will faithfully discharge the duties of my office according to the articles of war of the United States, the military code of the state, and the regulations of the Oregon national guard; so help me God. (Form 19.)

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¶ 51. Which oath may be taken before any commissioned officer of the state, notary public or justice of the peace, and when subscribed by the officer shall be forwarded with the letter accepting his commission and be filed in the office of the adjutant-general.

OFFICERS IN CHARGE OF STAFF DEPARTMENTS.

¶ 52. Officers in charge of staff departments should so inform themselves and so organize their departments as to be able to render efficient service at all times, and avoid the friction, delay, and suffering consequent upon the want of technical knowledge and inadequate preparation.

ARTICLE VI.

RANK AND PRECEDENCE.

¶ 53. Officers and noncommissioned officers rank in each grade by date of rank stated in the commission or warrant. Between officers of the same grade and date of rank, or date of commission, if no date of rank is specified therein, relative rank is determined by length of service, continuous or otherwise, as a commissioned officer in the military or naval service of the state or the United States. Periods of service proving equal, precedence will be determined, *first*, by rank in service when elected or appointed; *second*, by former rank in the military or naval service of the state or United States; *third*, by lot.

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GRADES.

¶ 54. 1. Commander-in-chief.
2. Major-general.
3. Brigadier-general.
4. Colonel.
5. Lieutenant-colonel.
6. Major.
7. Captain.
8. First lieutenant.
9. Second lieutenant.
10. Sergeant-major.
11. Quartermaster sergeant, regimental.
12. Commissary sergeant.
13. Hospital steward.
14. Chief musician.
15. Color sergeant.
16. Drum major.
17. Armorer, regimental.
18. First sergeant.
19. Quartermaster sergeant, company.
20. Sergeant.
21. Corporal.
22. Lance corporal.

¶ 55. Officers of the national guard not mustered into the United States service, when employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of like grade in such forces.

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¶ 56. On parade or other occasions of ceremony, troops of different arms are arranged from right to left in the following order: (*a*) Infantry; (*b*) mounted artillery; (*c*) cavalry; artillery not mounted is posted as infantry. Engineer troops are on the right of the command to which attached. In the same arm, regulars, volunteers, and militia are posted in line from right to left in the order here named. On all other occasions troops of all classes are posted at the discretion of the senior commander.

ARTICLE VII.

COMMAND.

¶ 57. Officers command according to the rank to which they are commissioned; but in and during the absence of either of these officers, or in case of a vacancy the officer of the line next in rank, present on duty, succeeds to the command; and the function assigned to any officer in these regulations, or exercised by him by virtue of his office, devolve upon the officer acting in his place except when otherwise specified.

¶ 58. Officers of the engineer, ordnance, or staff departments shall not assume command of troops unless put on duty under orders which so specially direct, by authority of the commander-in-chief.

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¶ 59. When different organizations happen to join, or do duty together, the officer of the line highest in rank present on duty commands the whole.

¶ 60. When there are no officers on duty with a company, the commanding officer of a regiment, battalion, or squadron shall detail an officer to command it.

¶ 61. When a commanding officer temporarily leaves his command to go beyond the limits of control he shall notify his immediate superior and the officer next in command, giving probable duration of absence.

¶ 62. An officer in temporary command shall not, except in urgent cases, alter or annul the standing orders of a permanent commander without authority from the next higher commander.

ARTICLE VIII.

BONDS.

¶ 63. All officers having charge of state or United States military property, or receiving and disbursing public money, shall give bonds, with two good and satisfactory sureties in equal amounts with themselves, for the safe keeping, security, and return of such property, and for the

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proper expenditure and accounting for said money as follows (Form 6):—

The adjutant-general	$5,000
The quartermaster-general (when appointed)	5,000
The commissary-general (when appointed)	5,000
The paymaster-general (when appointed)	5,000
The surgeon-general	2,000
The brigade quartermaster	5,000
The commanding officer of a regiment	2,500
The commanding officer of a battalion or squadron	2,000
The commanding officer of a company	2,000
The quartermaster of a regiment	3,000
The commissary of subsistence of a regiment	2,000
The engineer officer of a regiment	1,000
The signal officer of a regiment	1,000
The inspector of rifle practice of a regiment	1,000

¶ 64. The bonds of the adjutant-general will be approved by the military board, and filed with the secretary of state. All other bonds will be examined and approved by the inspector-general, and deposited with the adjutant-general of the state; and no commission will be issued to an officer whose approved bonds are not so deposited.

¶ 65. Before a bonded officer resigns, or is honorably discharged, he must apply to the adjutant-general to designate an officer to receive any money or property in his possession, and shall, when the money and property are turned over, render a true accounting of all money received, issued, and transferred. If his

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accounts are correct, and all balances properly receipted for, the adjutant-general shall give him a certificate of nonindebtedness and cancel his bonds. Should his accounts be incorrect, or any money and property for which he is responsible not be turned over, the adjutant-general shall take the necessary steps to enforce the obligation of his bond and secure the state from loss.

¶ 66. An officer is not relieved from responsibility for property or money by resignation or discharge.

¶ 67. All officers coming temporarily in charge of state property, whether bonded or not, will be held responsible for its care and preservation.

¶ 68. Officers designated to receive property or money must be already under bond, or become bonded before acting.

ARTICLE IX.

UNIFORM.

¶ 69. The uniform of the national guard shall be the undress uniform of the United States army—cap, trousers, and blouse, with the state button; this button to be of the size and quality of those worn on the United States uniform, surmounted by the coat of arms of the state of Oregon, with the word "Oregon" beneath the shield, surrounded by thirteen stars.

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¶ 70. The overcoat will be, according to corps, the same as that used in the United States army, with the Oregon button.

¶ 71. At all reviews, inspections, and occasions of duty ordered from general or brigade headquarters, the state uniform shall be worn, unless otherwise specified.

¶ 72. On occasions of ceremony a full-dress, or special uniform, may be worn by the organizations owning or procuring it.

¶ 73. Uniforms will be worn on all occasions of duty, but not in the occupations or amusements of civil life, unless by permission of commanding officers.

¶ 74. Uniforms shall be kept in lockers and aired frequently. Chiefs of squads should see that they are properly cared for.

¶ 75. The blouse will habitually be worn buttoned up and hooked at the collar. Trousers will be worn of the proper length and not tucked in boots. Boots and shoes must be of black leather, well blacked or cleaned. The wearing, when in uniform, of low shoes, slippers, or moccasins is prohibited. It is impracticable for the state to issue shoes, but commanding officers should impress on their men the necessity of each having a pair of suitable walking shoes constantly on hand for emergencies.

¶ 76. The forage cap will habitually be worn with the uniform, but the campaign hat (United

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States army pattern) may be worn if authorized by the commanding officer present. Hats and caps must be worn evenly upon the head and not tipped to one side.

¶ 77. At all reviews, inspections, and ceremonies a plain white standing collar (United States army pattern) will be worn with the uniform.

¶ 78. Continuous faithful service for each term of three years entitles an enlisted man to a service chevron.

¶ 79. All insignia of officers and noncommissioned officers, chevrons, service chevrons, and guidons, shall conform to those of like grade in the army of the United States, substituting the letters "O. N. G." for "U. S."

¶ 80. Authorized badges may be worn on the left breast of the blouse or coat.

¶ 81. Officers shall procure uniforms and side arms within sixty days after receiving their commission, or forfeit the commission.

¶ 82. Soldiers will be furnished uniforms by the state. Uniforms are state property and can not be disposed of or mutilated in any way by those using them.

¶ 83. The uniform of the Oregon national guard is that now in use (January first, eighteen hundred and ninety-six) in the United States army, and will only be changed by direction of the military board in orders published by the

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adjutant-general. A description of the proper uniform of officers and men and any changes directed therein will be published in orders from the adjutant-general's office, and be distributed to the officers and companies of the national guard.

ARTICLE X.

ADMINISTRATION.

¶ 84. Regiments, battalions, companies, batteries, troops, and staff corps will each have a civil organization governed by a constitution and bylaws, the officers of which shall be a president, secretary, treasurer, and such others as may be necessary or convenient. The commissioned officers of regiments, battalions, and squadrons will constitute the regimental, battalion, or squadron organization. The constitution and bylaws of each organization shall be adopted by a majority of its members, and when so adopted and approved by the commander-in-chief, shall be binding upon each individual of the organization and will be signed by the members thereof promising compliance therewith. The constitution shall provide for the manner and kind of the civil organization; the bylaws shall specify the times for drill and meetings, prescribe qualifications for membership, fix the amount of dues, prescribe and limit the conduct and action of members, regulate the finances

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and prescribe penalties in the way of fines, etc., for nonattendance at regular or called meetings, for neglect of duty, for insubordination, discourteous, unsoldierly, or ungentlemanly conduct, and such other matters as may be necessary to provide for discipline and subordination. No fine shall exceed the sum of ten dollars, and all fines imposed and collected shall become a part of the regimental, battalion, troop, battery, company, or staff corps fund.

¶ 85. The said constitution and bylaws before becoming operative shall receive the approval of the commander-in-chief, and one copy thereof shall be filed in the office of the adjutant-general.

¶ 86. In the last week in March, June, September, and December of each year all troops, batteries, companies, and staff corps will be mustered and inspected; if no officer is designated for this purpose, the muster and inspection will be made by the senior officer at the stations of the respective organizations. The mustering officer will cause to be made, in duplicate, a true and exact report of the strength, discipline, and condition of the command and all changes occurring therein during the quarter, one copy of which will be retained with the organization and the other forwarded to the adjutant-general, accompanied by the list of unauthorized absentees. (Forms 14, 16, 17, 32.)

¶ 87. Commanders of troops, batteries, and

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companies will on the first of October in each year make a return to the quartermaster-general of all state property, and to the chief of ordnance of all United States property in their possession, and all changes occurring therein during the year, accompanied by proper vouchers for the receipt, issue, and expenditures of public property. Quartermasters and officers commanding staff corps, responsible for property or supplies, will make similar reports to the chief of the department to which the property on hand pertains.

¶ 88. Commanders of staff corps will forward to the chief of their corps, at the end of each quarter commencing January first, a report of the drill, inspection, and special work, or operation, of their respective corps, and will forward at the same time through the proper channels, requisition for such material or supplies as may be needed for the efficiency of their corps, which requisition, when approved by the chief of the department, will be forwarded to the adjutant-general for action.

¶ 89. Each company, troop, battery, and staff corps will make to the next superior headquarters a monthly report of the strength of the organization and the changes occurring therein during the month. These returns of troops will be consolidated at the battalion, squadron, and regimental headquarters and forwarded to bri-

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gade headquarters where the return of the whole command will be consolidated and forwarded to the adjutant-general.

¶ 90. Each company, troop, and battery commander will before the close of each quarter, commencing January first, send to the adjutant-general, direct, a voucher for the allowance of rent and expenses provided for in section twenty-five of the military code. This voucher will be sworn to before a notary public as an expense incurred and necessary for the state service, and be signed, receipted, and correctly dated. It will also state the number of enlisted men on the muster roll of the company at the close of the quarter, whose term of service has not expired. (Form 50.)

¶ 91. A report of attendance at each drill, parade, or assembly ordered by competent authority in any company, troop, or battery will be forwarded immediately after its termination to the next superior headquarters. (Form 24.)

¶ 92. A consolidated report of attendance will be forwarded by the commanders of regiments, squadrons, and separate battalions to brigade headquarters at the close of each month. (Form 25.)

¶ 93. The annual returns of property responsibility to be made to the chiefs of staff departments will be forwarded through intermediate headquarters for their information.

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¶ 94. A battalion of naval militia will be considered a separate battalion.

¶ 95. All requisitions for clothing, quartermaster's stores, or ordnance will be made on the proper blanks and forwarded through the regular channels for action by the military board. (Form 35 to 39, inclusive.)

¶ 96. Any officer who through neglect or design omits the requisitions, returns, and reports required by these regulations shall, on conviction thereof, be punished as a court-martial may direct.

¶ 97. At any muster of a military organization the commanding officer thereof shall give the mustering officer certificates signed by himself, stating for how long, and for how many drills, meetings, or parades any officer, noncommissioned officer, or private has been absent without authority, the dates and periods of such absence; and the cause thereof shall be entered on the muster roll opposite the name of the officer or soldier absent without authority, and the certificate shall be transmitted, with the muster roll by the mustering officer to the adjutant-general. (Form 16, 17.)

¶ 98. Every officer who signs a false certificate as to the absence or pay of an officer or soldier, or who knowingly makes a false muster of a man or horse, or who signs, directs, or permits the signing of any muster roll, knowing the

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same to contain a false muster, shall, upon proof thereof before a court-martial, be dishonorably dismissed from the state service.

¶ 99. Every officer issuing arms, accoutrements, and clothing to enlisted men shall keep a record of such issues in a book to be part of the permanent records of the organization; and each list of articles issued shall be receipted for by the soldier receiving them, signing his name opposite the articles issued.

¶ 100. All muster rolls, requisitions, returns, reports, invoices, and receipts will be made in duplicate, one copy to be retained as part of the official records.

¶ 101. Every officer receiving public money shall render to the adjutant-general a quarterly statement or account current of all moneys received and expended, which will be accompanied by vouchers (Form 41) showing each item of expenditure, the voucher to be receipted by the party or parties receiving the money and the expenditure to be certified to by the officer paying the money as correct and just and necessary for the public service. (Form 1.)

¶ 101*a*. Accounts current will be made up in duplicate and will be made in the official capacity of the disbursing officer, "In account with the state of Oregon," with his company and regiment or corps written underneath. On the debit side of the account current will be

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shown the balance on hand from last account, if any. State warrants to be treated as cash. On the line "Received from," the entry of warrant will be made thus: "January twentieth, received from the adjutant-general warrant number five thousand and sixty-five in payment for the quarter ending December thirty-first, eighteen hundred and ninety-five." If a personal check is received make the entry thus: "January twentieth, received from Colonel Barlow, personal check number thirty-five, on the British Columbia Bank, Portland, Oregon, in payment for allowances for the quarter ending December thirty-first, eighteen hundred and ninety-five." If cash is received it will be so stated, giving date received, from whom received, and for what quarter the amount is intended to cover. If the funds are not for regular allowances, state for what purpose intended or on what account the money was received. On the credit side enter the date paid, the number of the voucher, the name of the person who signed the voucher corresponding to the number on the account current, and for what purpose paid, thus: "January twenty-fourth; voucher number one—by cash paid A. B. for rent of armory for the fourth quarter, eighteen hundred and ninety-five"; "January twenty-fourth; voucher number two—by cash paid C. D. for janitor's services for the fourth quarter, eighteen

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hundred and ninety-five," giving in each instance a brief summary of the account as shown on the voucher, and in all cases of rent or regular expenses, give the quarter which the payment is intended to cover. Total the debit side, bringing down the sum opposite "Total received." Total the credit side and bring down the sum to the bottom of the sheet opposite "Total expended," and carry the amount to the debit side on the line opposite "Total expended," under the amount as shown to be received, deducting the amount expended from the amount received, bringing down the difference opposite "Balance on hand," which sum must be carried to the next account as a "Balance from last account."

¶ 101*b*. The voucher given on form forty-one must be used in all cases where money is expended, and shall be in account with the person to whom the money was paid for rent, fuel, lights, janitor's services, and all class of expenses incurred, and must be receipted for by the person rendering the service, or of whom the articles were purchased, or by whom expenses incurred. These vouchers must be numbered to correspond with the number on the account current for which credit is taken, and must be duly certified to by the disbursing officer in every instance. In no case must an officer sign the receipt for money expended. Re-

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ceipts must be taken in duplicate on this form for all expenditures exceeding one dollar, one copy retained, the other forwarded with the account current. For amounts less than one dollar the the certificate of the disbursing officer will suffice.

¶ 101*c*. In all transfers of money, checks, or warrants between disbursing officers, invoices and receipts on forms twelve and twenty-one, respectively, must be exchanged in duplicate. One copy of the receipt must be sent with the account current as a voucher by the officer transferring the funds, the other retained. One copy of the invoice must be sent with the account current as a voucher by the officer receiving the funds, the other retained. The invoices to accompany the money from the officer transferring it, and receipts to be immediately sent by the receiving officer upon receipt of the money. Invoices and receipt to pass direct between the officers making the transfer.

¶ 101*d*. At the close of each quarter, a warrant voucher, form fifty, will be made out immediately by all officers receiving regular allowances under the law or by authority of the military board, and will be made to cover regular allowances due and unpaid at that period. They must be made out in the official capacity of the disbursing officer in whose favor the warrant is to be drawn, thus: "The state of Oregon,

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to J. N. B., debtor," with rank, company, and regiment, or corps, written underneath. A complete statement of the indebtedness will be given in the body of the voucher, showing for what purpose, for what quarter, and to what company, troop, battery, or corps the money is due, to be duly acknowledged before a notary in every instance. These vouchers to accompany the account current, and both sent under the same cover direct to the adjutant-general, so as to arrive at his office on or before the fifth day of the month next succeeding the quarter for which rendered, so they can be laid before the military board for its action at its next regular meeting. A letter of transmittal will accompany the papers, in the following form:—

_____, Oregon,
_____, 1896.

To the Adjutant-General, Oregon National Guard, Portland, Oregon —

SIR:

1. Form one, account current, with _____ vouchers.

2. Form fifty, warrant vouchers for allowances for the quarter ending December thirty-first, eighteen hundred and ninety-five.

Very respectfully,

_____,
O. N. G.

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CASHBOOK.

¶ 101*e*. Every officer receiving and disbursing public money shall keep a cashbook in which he shall enter every cash transaction, making a complete entry in detail. At the end of each quarter he shall balance the account, and shall see that his cash balance, as shown therein, agrees with the balance as shown on the account current for the same period, and with the actual cash on hand.

ARTICLE XI.

MILITARY COURTS IN GENERAL.

¶ 102. All officers, except chaplains, are eligible to sit on courts; medical officers, however, should be detailed for such duty only when unavoidable.

¶ 103. The members of a court will be named in the order appointing it and in accordance with rank. They will sit according to rank as announced in the order. The convening authority may detail new members and relieve active members. The place of holding a court is designated by the officer appointing it.

¶ 104. A court, reduced below a quorum by the absence of members, may meet and adjourn from time to time until absentees return, or the court is dissolved.

¶ 105. A court must proceed with diligence in

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the trial of a case before it. It can adjourn from time to time during or after a trial or while deliberating on its findings or sentence.

¶ 106. The order convening a military court should show, on its face, that the officer issuing it is by law authorized to do so. An order appointing a delinquency court for the trial of officers, when not issued by the commander-in-chief, should, by recital or reference, identify the order causing or directing its issue.

¶ 107. In order that all cases referred to a court-martial may be tried by it, the order convening the court should read, "For the trial of A. B., and such other persons or cases as may be properly brought before it," or "for the trial of such persons or cases as may be properly brought before it."

¶ 108. Whenever the same court-martial tries more than one prisoner on separate and distinct charges, the court will be sworn at the commencement of each trial and separate proceedings in each case prepared.

¶ 109. The president of a military court, besides his duties and privileges as a member, is the organ of the court to maintain order and conduct its business. He speaks and acts for the court in every instance where a rule of action has been prescribed by law, regulations, or its own resolution. In all deliberations the law secures the equality of members.

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¶ 110. An officer authorized to appoint a court-martial is authorized to appoint a judge advocate for the same. The judge advocate is not a member of the court, but is especially assigned to duty with the court in the order appointing it. He may be relieved or replaced by the authority appointing the court even during a trial, and this proceeding may be repeated, if necessary.

¶ 111. The judge advocate is the medium of communication between the court and the officer appointing it. When the court is closed for deliberation, the judge advocate retires.

¶ 112. It is the duty of a member of a court, if unable to attend a meeting, to notify the judge advocate, if there be one, otherwise the president, of the cause of his absence, and to forward a medical certificate, if it be occasioned by sickness.

¶ 113. A court-martial cannot punish its members. For disorderly conduct a member is liable, as for other offenses, against military discipline; improper words used by him should be taken down in writing, and any disorderly conduct on his part reported to the appointing authority.

¶ 114. No person shall be tried a second time for the same offense.

¶ 115. Officers and soldiers mustered into the service of the state shall at all times and in all

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places be governed by these regulations and be subject to trial by court-martial.

¶ 116. The offenses of which a court-martial can take cognizance must be prohibited by some law of congress, law of the state, be a violation of the articles of war, of established custom, or of the regulations of the Oregon national guard.

¶ 117. Courts will sit during such hours as may be directed in the order convening them.

GENERAL COURTS-MARTIAL — CHARGES AND SPECIFICATIONS (FORM B, APPENDIX.)

¶ 118. Offenders will be arraigned before courts-martial on one or more charges and specifications. If there be several charges they will be prepared as one paper, numbered consecutively, signed by the officer preferring them, and forwarded to the officer authorized to order a court. The charge is a designation of the specific military offense committed by the accused. Each distinct offense will form a separate charge.

¶ 119. The specification is a statement of facts which in law constitute the offense charged. It should be drawn in concise and unequivocal language, and state the name, rank, and department, regiment, battalion, or company of the accused, and the time and place of the alleged criminal act with certainty, so far, at least, as to say "at or near" such a place, "on or about"

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such a day. If the offense has been committed more than once, or in more than one way, there should be distinct specifications. Each specification should be complete in itself and not refer for facts or particulars to other specifications. The specifications under each charge are numbered consecutively.

¶ 120. Charges can only be preferred by an officer. Enlisted men may make complaints and furnish facts on which charges may be based.

¶ 121. Charges should not be preferred unless there is a reasonable belief that an offense has been committed, and that it can be proved. Commanding officers, before forwarding charges, should examine each case as to these points.

¶ 122. After charges have been preferred they may be altered and amended by the convening authority, or he may cause new charges to be preferred. Slight errors in names, dates, and amounts may be corrected by the judge advocate of the court to which the charges are referred for trial, but no substantial change will be made by him without the approval of the convening authority.

¶ 123. The practice of delaying charges or allowing them to accumulate is unjust.

¶ 124. Prisoners will not be joined in the same charge nor tried on joint charges unless for con-

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cert of action in the same offense. Each case must be tried by itself.

¶ 125. All general courts will consist of from five to seven members. They will be convened by the commander-in-chief, who will designate the officers to compose the court, the place where it shall be held, and appoint the judge advocate.

¶ 126. Officers, except for delinquencies under the bylaws as herein prescribed, shall be tried only by general courts-martial, and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

CHALLENGES.

¶ 127. Members of courts-martial may be challenged by the accused, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

¶ 128. The grounds of objection of the accused to every member challenged must be entered on the record.

¶ 129. The statement of a challenged member should always be taken, as it may aid the court in considering the challenge.

¶ 130. The challenged member should retire when the court is cleared to consider the challenge against him.

¶ 131. The proper time for making challenges

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is immediately after the order convening the court is read, but if subsequently, during the trial, grounds of objection come to the knowledge of the accused an opportunity for challenge should be afforded him.

¶ 132. A member excused by reason of a challenge from one case is not excused from sitting in other cases. New members may be challenged whenever they take their seat.

¶ 133. The judge advocate cannot be challenged. In case of personal interest in the trial he should apply to the convening authority to be relieved. He has the right to challenge, but it is seldom exercised.

¶ 134. If three members constituting a majority of the court be present and one be challenged, the remaining two have the right to determine the challenge. If the challenge is allowed the court cannot proceed with the trial of the case until another member attends.

OATHS.

¶ 135. The following is the oath to be taken by members of courts-martial:—

You, A. B., do swear that you will faithfully try and determine, according to evidence, the matter now before you, between the people of the state of Oregon and the accused to be tried, and that you will duly administer justice according to the established rules of law for the government of the military forces of the state; and you do further

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swear that you will not divulge the sentence of the court until it shall be published by proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in due course of law. So help you God.

¶ 136. **The following is the oath to be taken by a judge advocate:—**

You, A. B., do swear that you will faithfully discharge the duties of judge advocate of this court, according to established rules of law for the government of the military forces of the state, and you do further swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof in a court of justice, in due course of law, nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God.

¶ 137. **Witnesses, before testifying, shall take the following oath:—**

You swear that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

¶ 138. **In an examination on the *voir dire* the oath to be administered is as follows:—**

You do swear that you will true answer make to such questions as may be put to you touching your competency to serve as a member (or a witness) in this case. So help you God.

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¶ 139. The following oath shall be taken by a reporter or stenographer:—

You do swear that you will faithfully perform the duties of a reporter to this court, and duly record the proceedings of and testimony to be taken before said court. So help you God.

¶ 140. An interpreter shall take the following oath:—

You, A. B., do swear that you will faithfully interpret, to the best of your ability for the use of this court, whatever may be submitted to you by the order of the court for that purpose. So help you God.

¶ 141. A member, judge advocate, or other person, required to be sworn may, if he object to taking an oath, make affirmation as follows: "You, A. B., do solemnly, sincerely, and truly declare and affirm," etc.

PLEADING.

¶ 142. When the accused, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if he had pleaded not guilty.

¶ 143. The accused may interpose special pleas in abatement or in bar, or he may demur or plead guilty or not guilty, or guilty, excepting certain words, and of such words, not guilty. When issues of fact are raised by special pleas, evidence may be introduced by both parties.

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TRIAL.

¶ 144. At the hour named in the order convening the court the members take their seats, the president sitting at the head of the table, the other officers on his right and left alternately, according to their rank as indicated in the convening order. The judge advocate sits at the foot of the table, with the accused and his counsel on one side, and a chair for witnesses on the other.

¶ 145. When ready to proceed the president calls the court to order and the judge advocate calls the names of the members, noting the absentees.

¶ 146. Whenever the proceedings of the court are stopped from any cause, the facts are reported without delay to the convening authority.

¶ 147. A court may adjourn or await the attendance of members not present, but has no power to excuse their absence or that of the judge advocate. If the judge advocate be absent the court will take no further proceedings but may adjourn or await his attendance.

¶ 148. A court-martial is always open to the public during a trial. When the room is cleared for the deliberation of a court no one except the members will be allowed to remain.

¶ 149. After the names have been called the order convening the court will be read to see if

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it be legally convened and the charges examined to determine jurisdiction.

¶ 150. The accused then comes before the open court and the judge advocate reads the order convening it to him (both standing), and asks if he has any objections to being tried by any member present named in the order.

¶ 151. If the accused be not present at the convening of the court, or at the time or place appointed for his trial, the court may proceed with the trial in his absence, provided the judge advocate first submit to the court, to be duly noted in or attached to its proceedings, record, or evidence that the accused has been notified of the time when, and place where, his trial would be proceeded with.

¶ 152. Before the challenges, if any, are proceeded with, the judge advocate should ask the accused if he desires to introduce counsel. The accused is entitled to be heard through counsel as of right at any stage of the proceedings.

¶ 153. Oral arguments by counsel for the accused and the judge advocate on points raised during the trial should be taken down on the record. Final arguments and statements will be submitted in writing or made orally and entered on the record as the court may direct.

¶ 154. Application for extended delay or postponement of a trial will, when practicable, be made to the authority appointing the court.

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When made to the court, and if in the opinion of the court it is well founded, it will be referred to the convening authority to decide whether the court shall be adjourned or dissolved.

¶ 155. Upon application by the accused for postponement of the trial, because of the absence of a witness, it should distinctly appear on his oath, *first*, that the witness is material and why; *second*, that the accused has used due diligence to procure his attendance; *third*, that the accused has reasonable grounds to believe, and does believe, that he will be able to procure such attendance within a reasonable time stated.

¶ 156. If the trial proceeds, the members of the court, the judge advocate and the stenographer or reporter, are then sworn.

¶ 157. The record must show that the members of the court, the judge advocate, stenographer or reporter, and interpreter, were sworn, and that the witnesses were sworn before testifying.

¶ 158. The swearing of the court is followed by the arraignment of the accused. The judge advocate reads the charges and specifications to the accused, both standing, and addresses him as follows: "You have heard the charge and specifications preferred against you, how say you to the specification, guilty or not guilty? How say you to the charge?"

¶ 159. If there be more than one charge or

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specification, the arraignment is in the following order: To each specification of the first charge separately in its numerical order, then to the first charge, and in the same manner on each charge and the specifications under it.

¶ 160. Upon arraignment, the accused should plead or make such motions as may be proper.

¶ 161. In all the cases where the accused pleads guilty, it is the right and duty of the court to receive evidence showing all the circumstances of mitigation or aggravation which accompany the offense, unless the specifications fully disclose the same. The accused has a right to cross-examine the witnesses called for this purpose, and to offer rebuttal testimony and evidence as to his character, and to address the court.

¶ 162. After an issue of facts is joined, the judge advocate calls his first witness, and all other witnesses are directed to withdraw from the courtroom.

¶ 163. If no objection be made to the witness, or if his competency be established on objection made, he is sworn, and his testimony is taken and recorded in the words used in the form of question and answer.

¶ 164. The direct examination is followed by a cross-examination and redirect examination.

¶ 165. Any member of the court may put questions to the witnesses on either side. Such

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questions are ordinarily postponed until both parties have finished examining the witness.

¶ 166. All the members of the court must be present during the examination of each witness; should one be absent, he ceases to be a member of the court in that case.

¶ 167. A question asked by a member is first submitted to the court. If not objected to, it is put and recorded as a "question by the court." If objected to and the objection is sustained, it is recorded as a "question by a member," and is not answered by the witness.

¶ 168. Where testimony is taken by a stenographer it is not necessary to read it over to or have it signed by the witness. Corrections and alterations of his testimony made by a witness are entered as a continuation of his evidence without changing the previous record.

¶ 169. All the evidence against the accused should be produced before the prosecution rests. The evidence for the accused is then introduced, and the prosecution may offer evidence in rebuttal. The court may, in its discretion, and in furtherance of justice, depart from this order of proof and permit witnesses to be called and recalled at any stage, and may reopen a case closed on one or both sides.

¶ 170. The examination of witnesses must take place in the presence of the accused unless he purposely absent himself.

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¶ 171. After the examination of the witnesses for the defense, the accused has the right to make a written or oral statement or argument, and the judge advocate has the right of reply, or he may submit the case without remark.

¶ 172. Incidents of the trial, bearing upon the case, may be remarked upon by the court and recorded, such as the conduct of the prosecutor, the accused, or the witnesses, where necessary, to fully inform the reviewing officer.

¶ 173. After an adjournment to another day, the members resume their seats at the hour for reassembling, and the judge advocate notes the names of those present and absent, the accused and his counsel are called before the court and the trial proceeded with.

FINDINGS.

¶ 174. When the courtroom has been cleared for deliberation on the testimony, the members exchange freely their opinions and discuss without ceremony. The proceedings are laid on the table and examined by the members, or read over to them by a member. The judge advocate may be called in to give legal opinion and correct erroneous impressions as to the law or the evidence in the case.

¶ 175. When the members are ready to vote, the vote is taken on the charges and specifications in the same order in which the accused

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was required to plead to them, and in reply to the questions of the judge advocate, "How do you vote on the first specification to the first charge?" the junior member votes first, then the next senior, and so on. The member voting writes his name and vote on a slip of paper and hands it to the president, who records the votes on a memorandum sheet, and when all have voted on all the charges and specifications, he announces the result. The president will preserve this memorandum, if the court so direct, otherwise he will destroy it.

¶ 176. Each member must vote on every question, and while he may vote to accept parts of the specifications, he must vote either guilty or not guilty of the charge. The court may convict of one or more charges and acquit of the others.

¶ 177. The findings are decided by a majority vote. When the court is equally divided in number, the finding will be recorded as not guilty.

¶ 178. The court cannot find the accused guilty of an offense in a greater degree than charged. It may find him not guilty of the charge, but guilty of an offense in a less degree than charged, but such offense must be of the same kind as charged.

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SENTENCE.

¶ 179. The sentence should be clear and capable of but one interpretation, and, if possible, in the words of the statute.

¶ 180. When the majority have made a finding of guilty the minority must vote punishment as if they had voted with the majority on the finding; while a member may have voted to acquit, he should, nevertheless, vote a punishment if the court convict.

¶ 181. Each member of the court should write a sentence on a slip of paper and hand it to the president. The proposed sentences are successively read aloud by the president, and voted on by the court, commencing with the mildest, and proceeding to the next mildest, until the sentence is agreed upon. The manner of voting is the same as prescribed for voting on findings.

¶ 182. The manner of executing the sentence should be left to the reviewing officer.

¶ 183. Until finally acted on by the reviewing authority the findings and sentence of the court may be reconsidered and altered.

RECORD OF PROCEEDINGS—FORM C.

¶ 184. A copy of the notes, taken in shorthand or otherwise, of each day's proceedings, is made before the next meeting of the court, and constitutes the original proceedings.

¶ 185. If the completion of the case be de-

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layed from any cause, the court may proceed to the trial of other cases, complete them, and then take up the adjourned case.

¶ 186. Every court-martial shall keep a complete and accurate record of its proceedings, and everything that bears on the case should be part of the record, in order that the reviewing officer may be fully informed of all that transpired. The record will be authenticated by the signatures of the president and judge advocate in each case. The record must show that the court was organized as the law requires; that the prisoner was asked if he wished to object to any member and his answer to such question, and that the court and judge advocate were duly sworn in the presence of the prisoner, if he attended. The record in each case will be complete in itself, and will set out a copy of the order appointing the court and of all orders modifying the detail.

¶ 187. The record shall be clearly and legibly written, and, as far as practicable, without erasures or interlineations. The use of a typewriter in writing out findings and sentences is prohibited. The pages will be numbered, and there shall be a margin of one inch on the left-hand side of each page, also at the beginning and ending of each half-sheet, through which they can be fastened together. Documents referred to in the proceedings will be noted and marked in

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such a manner as to afford an easy reference, and will follow the proceedings in the order in which they are lettered or numbered.

¶ 188. The record of the proceedings, findings, and sentence, when completed, will be signed by the president and judge advocate of the court, and transmitted by the latter to the officer having authority to confirm the sentence, who shall state, at the end of the proceedings in each case, his decision and orders therein. The proceedings of each case will be forwarded promptly as soon as it is completed. The envelope or wrapper inclosing the proceedings in addition to the address will bear the words "Proceedings of a court-martial," and shall not be opened except by the officer convening the court, or his successor, or by his orders.

¶ 189. A recommendation to clemency will not be embraced in the body of the sentence, but shall be attached to the record after the exhibits. Only those members who concur in the recommendation will sign it.

¶ 190. Great care is necessary in making up the record of court-martial proceedings. The following errors and omissions will be fatal to the validity of the sentence, unless they are corrected upon a reassembling of the court:—

First—When the record does not contain a copy of the order appointing the court, or copies of all orders modifying the detail in any man-

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ner. The record of each case tried by the same court must contain a copy of those orders.

Second—Where it does not show that the court met pursuant to the order constituting it.

Third—Where it does not show that the court was organized as the law requires. To state in the record, "the court being in session proceeded," etc., does not sufficiently set forth the fact of organization.

Fourth—Where it does not show how many members were present each day and took part in the trial, or how many were present at a reassembling for revision.

Fifth—Where it does not show that the judge advocate was present during the trial.

Sixth—Where it does not show that the order convening the court was read in the presence of the accused, or that he had opportunity of challenge afforded him, either to a member then sitting, or to one who subsequently took his seat.

Seventh—Where it does not show that the members of the court were duly sworn by the judge advocate in the presence of the accused.

Eighth—Where it does not show that a member who subsequently took his seat was thus sworn.

Ninth—Where it does not show that the judge advocate was duly sworn by the president in the presence of the accused, or that a new judge ad-

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vocate, who subsequently took his seat, was similarly sworn.

Tenth—Where it does not contain a copy of the charges and specifications upon which the accused is tried.

Eleventh—Where it does not show that the accused was allowed to plead, or shows that he was tried without pleading to the merits, or does not contain his entire plea.

Twelfth—Where it shows that the accused was arraigned and pleaded prior to the organizatio . of the court.

Thirteenth—Where it does not show that the witnesses were sworn. That they were not sworn in the presence of the accused would not constitute a fatal defect.

Fourteenth—Where it does not set forth the testimony of the witnesses. It is not sufficient to set forth a summary, or such portion as the judge advocate deems material; the full testimony of the witnesses, in their own language, should be given.

Fifteenth—Where it does not show that a stenographer, clerk, or reporter, who recorded the proceedings of the court, was sworn to a performance of his duties.

Sixteenth—Where it does not show that an interpreter was so sworn. If an interpreter was called to interpret the testimony of a single witness, and the record did not show that he was

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sworn, it would not be a fatal defect; *provided*, there was sufficient evidence to convict without the testimony of this witness.

Seventeenth—Where it does not show that the court was closed for deliberation on findings and sentence.

Eighteenth—Where it does not contain the findings and sentence.

Nineteenth—Where there is a fatal variance between the names of the parties in the specifications and in the findings or sentence.

Twentieth—Where, in the case of capital sentence, the concurrence thereon of two thirds of the members of the court does not appear from the record.

Twenty-first—Where the proceedings are not authenticated by the signatures of both the president and judge advocate.

REVISION.

¶ 191. When the record of a court-martial exhibits error in preparation or seemingly erroneous conclusions on the part of the court, the reviewing authority may reconvene it for a reconsideration of its action with suggestions for its guidance. The court may thereupon, should it concur in the views submitted, proceed by amendment to remedy the errors pointed out and may modify or completely change its findings or sentence, or both. A reopening of the case by calling or recalling witnesses is illegal.

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¶ 192. A court cannot be compelled to change its findings or sentence. If the court return a new finding or sentence the proceedings may be again sent back for revision, but if the court adhere to its former findings or sentence at either revision, they must be approved or disapproved.

REGIMENTAL COURT-MARTIAL.

¶ 193. Regimental courts shall be composed of three commissioned officers and a judge advocate, and be governed by the same rules and methods of procedure, and take the same oaths as members and judge advocates of general courts.

¶ 194. They shall have cognizance of all offenses of enlisted men, not capital, that occur in the regiments or battalions or posts of more than one company for which the court shall have been appointed, and also of offenses occurring in separate organizations attached to the regiment or battalion; and shall have power to impose and assess all fines and penalties to which soldiers are declared to be subject by provisions of law and regulations, and to enforce them as provided in sections forty-five and forty-six of the military code.

¶ 195. The record will be made up separately for each case, signed by the president and judge advocate, and forwarded to the officer ordering the court, who will review the proceedings and

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sentences, and approve, mitigate, or disapprove the same.

COURTS OF INQUIRY.

¶ 196. Except as otherwise specifically prescribed, the record of the proceedings of a court of inquiry will be prepared, and process issued and oaths administered, in substantial conformity to the rules governing and forms used in general courts-martial in like instances. The president of a court of inquiry has the same powers as the president of a general court-martial.

¶ 197. The statute of limitations do not apply to courts of inquiry.

¶ 198. The recorder of a court of inquiry shall administer to the members the following oath:—

You do swear that you will well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.

¶ 199. The president of the court shall then administer the following oath to the recorder:—

You do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.

¶ 200. A judge advocate detailed with a court of inquiry is not a member thereof, but acts as recorder.

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¶ 201. A new member may be appointed and take his seat at any time after the court has been organized. The testimony previously taken must be read over again to or by him.

¶ 202. The officer to be investigated has the same right of challenging as is allowed in trials by general courts-martial.

SUMMARY COURTS.

¶ 203. The officer next in rank to the commanding officer of a regiment, battalion, company, troop, or battery shall constitute a summary court for the trial of minor offenses of enlisted men against the regulations of the national guard or bylaws of a military organization. He will administer oaths to the witnesses and proceed as in case of courts of discipline, except that the summary court officer takes no oath. The sentence of the court only will be recorded and will be entered in the docket-book used to record the sentences of courts of discipline. The sentence will be approved, mitigated, or disapproved by the commander of the military organization in which the court is held, and when approved or mitigated the procedure will be the same as that of a court of discipline.

¶ 204. Soldiers objecting to be tried by summary court will be tried by a regimental court or court of discipline, as their commanders may determine.

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¶ 205. The summary court officer will hold a session for trials at least once in each month, and the charges for trial will be the same as provided for in paragraph two hundred and fourteen of these regulations.

¶ 206. Officers ordering courts-martial, courts of discipline, or directing offenders to appear before a summary court, will direct some officer or noncommissioned officer to serve upon the accused, either by personal delivery, by leaving it at the usual place of residence or place of business, or by registered mail to his given address, a notice of the time and place the court will meet, a copy of the charges or statement of delinquencies, and a summons to appear and answer the same; and shall certify to the court that such notice and summons have been duly served, and the manner and time of review. The notice will be served by personal delivery whenever this course is possible. A failure to appear before a court of discipline or summary court and plead to the offense charged, shall be taken as a confession of guilt, and judgment shall be rendered on the charges entered by the court the same as though the accused were present.

¶ 207. Witnesses required by any of the courts herein established, if members of the national guard, will be ordered to appear and testify by the president of the court or officer constituting

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the summary court; and should the order involve absence from their proper station or business, the witnesses will be allowed the same pay as when in encampment for each day necessarily in attendance on the court, and going from and returning to their stations, and five cents per mile for the distance necessarily traveled each way, to be paid on vouchers, stating the time consumed, service required, and distance traveled, and certified to by the president of the court, that the witness was ordered by him to appear, and that his presence was necessary in the interests of justice. (Form 40.)

¶ 208. Subpœnas for civilian witnesses will be issued by the judge advocate of the court, and attendance required as provided for in section forty-two of the military code. The witnesses will be paid as provided for in civil actions.

COURTS OF DISCIPLINE.

¶ 209. Courts of discipline may be either brigade, regimental, battalion, or company, and are ordered to try delinquents by brigade, regimental, battalion, and company commanders; the word "company," herein used, including troops, batteries, and staff corps.

¶ 210. The regimental and battalion court of discipline will be composed of the officer next in rank to the commanding officer and two such other officers as the commanding officer may

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designate, and will have jurisdiction over all delinquencies under the bylaws occurring among the subalterns or noncommissioned officers and privates of the regiment or battalion.

¶ 211. Courts of discipline, for the trial of delinquent officers, above the grade of lieutenant, will be ordered by the brigade commander upon official notification of the delinquency, or upon the application of the regimental or battalion commander, which application shall be accompanied by a statement of the number of delinquents to be tried, and an official record of the offenses with which they are charged. Such court shall consist of three officers, of at least equal grade with the accused, and may be a standing court for the period of one year, meeting from time to time as cases are referred to it by the brigade commander.

¶ 212. The company court of discipline will be composed of a first lieutenant, first sergeant, and senior corporal, or the next in rank, when these officers and noncommissioned officers are not available or eligible.

¶ 213. The senior member of a court of discipline, who must be a commissioned officer, will be the president, and the junior member, recorder of the court of discipline.

¶ 214. In courts of discipline the charge shall consist of a written statement of delinquencies, giving the date, place, and nature of each de-

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linquency and citing the bylaw of which the same is an infraction; the statement to be certified to by the commanding officer as correct; and that no satisfactory excuse has been rendered by the delinqueut. (Summons, form No. 7.) The following form will be used:—

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STATEMENT OF DELINQUENCIES.

No.	Name.	Rank.	Co.	Regt.	Delinquency.	Bylaw, order, or regulation.	Fine.	Remarks.
1	Richard Roe	1st Lt.	B	1st	Absent from drill at armory, March 8, 1893	No. 17, Co. B	$3 00	No excuse rendered.
2	John Doe	Sergt.	C	2d	Absent from fatigue camp, March 25, 1893	No. 22, Co C	1 00	Excuse not satisfactory.
3	John Smith	Corp.	H	3d	Absent from parade, July 4, 1893	No. 16, Co. H	1 00	Excuse not satisfactory.
4	Chas. Sweet	Privt.	A	Bat.	Inattention at drill, armory, March 3, 1893	No. 25, Bat.	50	
5	Paul Jones	Privt.	B	Trp.	Late at drill station of troop, March 20, 1893	No. 27, Trp. B	25	No excuse given.
					Absent from inspection, armory, March 31, 1893	No. 32. Trp. B	1 00	

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¶ 215. The proceedings of the court will be made up by the recorder, and will show:—

1. The order convening the court.
2. That all members were present.
3. That each one was duly sworn.
4. All facts found by the court, but not the evidence by which they were established, except on demand of the accused.
5. The finding and sentence of the court.
6. Adjournment.

¶ 216. The court having arrived at a finding and sentence, will call the accused before it and announce to him the sentence of the court. The accused may then, if he so desires, take an appeal from the sentence of the court to the reviewing officer, which shall be written out in respectful language, stating his view of the case, and handed to the recorder, who will attach it to the proceedings of the court.

¶ 217. The officer ordering the court shall review the proceedings after each session and indorse his approval or disapproval thereon. If the sentence is approved, it will be announced in orders, and a copy of the order served upon the delinquent. The sentence shall be entered in the docket-book, kept as a part of the permanent records of each military organization, and subject at all times to inspection.

¶ 218. If not approved, the reviewing officer will return the proceedings to the president of

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the court with such suggestions as may enable the court to arrive at a proper conclusion.

¶ 219. If, within ten days after a copy of the order announcing the sentence of the court has been served upon the delinquent, the fines imposed are not paid, a certified copy of the findings and sentence of the court of discipline, and the order announcing the approval of the sentence, shall be filed with a justice of the peace in the military district where the delinquent resides, by the officer ordering the court, for prosecution under section forty-five of the military code.

¶ 220. Every officer and soldier absent from any drills, meetings, or parades required by the bylaws, or ordered by competent authority, shall immediately render to his commanding officer a reason for such absence, which, if satisfactory, may be accepted; but if such reason for absence is not rendered, or is not satisfactory, the offender will be tried by a court of discipline, summary court, or court-martial.

¶ 221. A "delinquency" is a nonattendance, or being late in attendance at any drill, parade, review, inspection, or encampment, or meeting for discussion ordered by competent authority, of which proper information or warning has been given, or any infraction of the bylaws of a regiment, battalion, squadron, company, troop, battery, or staff corps, which may be deemed

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not sufficiently grave to require the action of a court-martial.

¶ 222. Orders changing the detail for a delinquency court will be entered in the proceedings of the court with a statement showing that the new member duly took the oath of office.

ARTICLE XII.

MILITARY DISCIPLINE.

¶ 223. Under this term is included every systematic means for insuring the subordination and perfect working of all parts of the military organization, to the end that it may attain the greatest effectiveness in the purpose for which it is maintained. It includes prompt obedience to military law, orders, and regulations, and a careful observance of the prescribed courtesies between the branches and grades of the military establishment, and a systematic administration of each unit of the force.

¶ 224. Every member of the national guard is at all times subject to military law and regulations, whether in uniform or not.

¶ 225. Courtesy among military men is indispensable to discipline. Respect to superiors will not be confined to obedience on duty and when in uniform, but must be extended on all occasions. It is always the duty of the inferior in grade to accost the superior or to offer first the

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customary salutation, and of the superior to return the salute.

¶ 226. All superior officers must avoid censuring inferiors in the presence of enlisted men.

¶ 227. When on duty, familiarity between officers and soldiers, and between noncommissioned officers and privates, is to be discountenanced.

¶ 228. All orders and instructions sent to a subdivision will be given to its commander.

¶ 229. All communications from a subordinate to higher authority must pass through his immediate commander, unless otherwise specially ordered, and no communication will receive attention by higher authority unless it has passed through the regular channels.

¶ 230. Punishments must conform to law and follow the offense as promptly as circumstances will permit.

¶ 231. Superiors are forbidden to injure those under them by capricious or tyranical conduct, or offend them by abusive language.

¶ 232. Inferiors are required to obey strictly and to execute promptly the lawful orders of the superiors appointed over them. Whosoever disobeys an order on the ground of illegality does so at his peril.

¶ 233. Officers visiting camps or stations of troops should, as soon as possible after their ar-

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rival, make an official call upon the commanding officer.

¶ 234. No field officer or officer commanding an independent company shall absent himself from his command without procuring a leave of absence from the brigade commander. All other officers before absenting themselves must procure leave of absence from the officers commanding their regiments, battalions, or independent companies; such leaves shall be in the discretion of the officers granting them.

¶ 235. Soldiers may be given furloughs by the commanding officers of regiments, battalions, and independent companies, except during an encampment, when furloughs to soldiers and leaves of absence to officers will be regulated entirely by the officer commanding the encampment. When ordered into active service, leave of absence to officers and furloughs to soldiers will be given only by the brigade commander or commander-in-chief. (Form 11.)

¶ 236. Any officer or soldier who wilfully or through neglect suffers to be lost, spoiled, or damaged any military stores belonging to the state or pertaining to the state service, shall, on conviction by a court-martial, be fined such an amount as shall be necessary to reimburse the state for the loss or damage.

¶ 237. Any officer or soldier who behaves with

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disrespect towards his commanding officer shall be punished as a court-martial may direct.

¶ 238. Any officer or soldier, who, on any pretense whatsoever, strikes his superior officer, or draws or lifts any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall be dishonorably discharged, or suffer such other punishment as a court-martial may direct.

¶ 239. Any officer or soldier who, being present at any mutiny, or sedition, does not use his utmost endeavor to suppress the same, or fails to give information thereof to the commanding officer, shall be punished as a court-martial may direct.

¶ 240. Any officer, or soldier, who begins, or excites, causes, or joins in any mutiny or sedition in any troop, battery, company, party, post, detachment, or guard, shall be punished as a court-martial may direct.

¶ 241. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put under arrest. Any soldier who so offends shall be punished as a court-martial may direct.

¶ 242. Officers and soldiers, who think themselves wronged by those in command, may appeal to the brigade commander with a written statement of the case, which shall be forwarded

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through the commanding officer. The decision of the brigade commander shall be final, or he may order a general court for the trial of the offender.

¶ 243. Any officer or soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

¶ 244. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair at the time fixed to the place of parade, drill, exercise, or other rendezvous appointed by his commanding officer, or goes from the same without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

¶ 245. Any officer or soldier found drunk on his guard, party, or other duty, shall be punished as a court-martial may direct.

¶ 246. Any sentinel who is found sleeping on his post, or who leaves it before being regularly relieved, shall be punished as a court-martial may direct.

¶ 247. Any officer or soldier who quits his guard or any duty assigned to him, without leave from his superior officer, except in case of urgent necessity, shall be punished as a court-martial may direct.

¶ 248. Any officer or soldier who having been

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duly commissioned or enlisted in the service of the state, deserts the same, shall suffer such punishment as a court-martial may direct.

¶ 249. Any officer who having tendered his resignation, quits his command and fails to turn over to his successor all money and properties belonging to the state for which he may be accountable, shall be deemed a deserter and punished as such.

¶ 250. Soldiers removing permanently from the state, or changing residence to places distant from their companies, will make application to their company commanders for a discharge from the service, stating their reasons, and certifying to the same by oath taken before a magistrate. (Form 4.) This application will be forwarded to and granted without delay by the regimental or battalion commander in whose command the soldier is serving, or will be granted immediately by the commander of an independent company. The soldier may, at his request, be transferred to some other company; in which case, a transfer roll will be forwarded to his new company commander, giving a description of the man, and containing lists of uniform or property in his possession. His uniform will accompany him. (Form 5.)

¶ 251. Soldiers not in arrears for dues shall on expiration of their term of service receive a discharge, to be signed by the commanding officer

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of the regiment, independent battalion, or squadron, independent troop, battery, or company to which they belong. (Form 9.)

¶ 252. Company commanders will enter on the discharge blank a description of the soldier, and the date his enlistment commenced and terminated, and will certify to the character of the service rendered by the soldier, the number of enlistments he has served, and that he is not indebted to the company for dues or property. The discharge paper thus certified to will be forwarded to the regimental, battalion, or squadron commander in time to receive his action and be returned to the soldier on expiration of his enlistment.

¶ 253. Soldiers whose dues are unpaid and cannot be collected through the courts previous to the expiration of their term of service, will not be honorably discharged, but will be dropped for delinquency, and so recorded on their final muster roll and published in orders.

¶ 254. Applications for discharge for diability will be referred to a medical officer of the regiment or battalion, who will make a careful examination of the applicant, and if he is found unfit for duty, so certify to the officer granting the discharge, stating the degree of disability and whether it was acquired in the line of duty. Soldiers at stations where there is no medical officer belonging to the national guard will pro-

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cure a similar certificate from some reputable physician and forward it with their application for discharge to the company commander, who will state thereon that the physician is known to him, is in good standing in the community, and whether or not, in his opinion, the condition of the soldier is such as to entitle him to discharge; this certificate will be referred to the surgeon of the regiment or battalion to which the soldier belongs for action.

¶ 255. Commanders of regiments and lesser independent organizations will render a quarterly return to the adjutant-general of all men discharged from the companies of their commands and the reasons for such discharge.

¶ 256. Any officer or soldier who wilfully and voluntarily absents himself from any duty required by the regulations of the Oregon national guard, or the bylaws of the military organization of which he is a member, for the period of thirty days, may be dishonorably discharged on conviction thereof by a court-martial, or may be dropped from the rolls, and shall forfeit all immunities and privileges allowed by law to members of the national guard.

¶ 257. The bylaws of each regiment, battalion, company, troop, battery, and staff corps, when approved by the commander-in-chief, shall have the same effect as laws of the state upon members of the organization. They may be altered

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by a two thirds vote at a regular meeting called for that purpose; but all alterations or changes are subject to approval, as in the first instance. (Form A.)

¶ 258. Every commissioned officer may be fined by a court of discipline or court-martial for nonattendance, without excuse, at any drill, parade, or encampment ordered by competent authority, not less than five, nor more than ten dollars, for each delinquency.

¶ 259. Every soldier who shall, without proper excuse, be absent from or in any other respect delinquent at any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority, shall be fined by a court of discipline, court-martial, or summary court, not less than one nor more than five dollars for each absence or other delinquency.

VOLUNTEERS.

¶ 260. In case of war, insurrection, invasion, or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the commander-in-chief, if he deems the organized national guard insufficient to defend the state or to aid the civil authorities to enforce the laws, may, in his discretion, either call for volunteer recruits to temporarily fill companies and batteries, of the national guard to the maximum strength, or

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authorize the temporary organization of volunteer companies or batteries, or he may do both; such temporary volunteers shall be discharged when directed by the commander-in-chief, or as soon as the emergency for which they were required has passed; and while in such service they shall be subject to the same discipline and penalties and receive the same pay as the regular national guard.

DISPOSING OF STATE PROPERTY.

¶ 261. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge or retain or refuse to deliver to an officer entitled to take possession thereof any uniform, arms, or equipments or other state property which shall have been procured for the militia of the state; and any member of the Oregon national guard who shall, when not on duty, wear any such uniform or equipments without the the permission of his commanding officer, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than ten or more than thirty days, or by a fine of not less than ten dollars nor more than one hundred dollars.

MILITIA MUSTERED INTO SERVICE OF THE UNITED STATES.

¶ 262. The officers and soldiers of any troop, battery, or company, whether militia or other-

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wise, mustered into the service and pay of the United States shall at all times and in all places be governed by the articles of war, and shall be subject to trial by courts-martial.

¶ 263. Officers charged with offenses, except for delinquencies under the bylaws, shall be placed in arrest, and may be confined to their quarters or tents; and any officer breaking his arrest by leaving his quarters without permission shall be dismissed from the service.

¶ 264. Officers and soldiers charged with crimes shall be confined, under guard, until tried or released by proper authority.

¶ 265. No officer or soldier shall be continued in arrest or confinement more than five days without being brought to trial or having charges preferred against him for the action of higher authority.

¶ 266. All crimes not capital and all disorders and neglects which officers and soldiers may be guilty of to the prejudice of good order and military discipline, though not mentioned in these regulations, are to be taken cognizance of by the courts-martial herein provided for, according to the nature and degree of offense, and punished at the discretion of such court.

¶ 267. The word "officer" herein used shall be taken to mean commissioned officer; the word "soldier" to mean noncommissioned officer, artificer, musician, and private. The word "com-

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pany," wherever applicable, refers equally to troops, batteries, and staff corps.

ENLISTMENTS.

¶ 268. The reputation and usefulness of the national guard depend in no small degree upon the character and qualifications of the men enlisted, and officers charged with the responsible duty of recruiting should fully appreciate its vital importance and perform it conscientiously.

¶ 269. Before a man can enlist or reënlist he must pass a medical examination as to his physical fitness for the service, by the surgeon or assistant surgeon of the organization to which he applies to be attached, or in case such officer is not available, then by the officer enlisting him.

¶ 270. Enlisted men discharged for good of the service, dishonorably discharged, expelled, or dropped by reason of having been convicted of felony, from the national guard or the naval militia of this or any other state, or from the army or navy of the United States, shall not be enlisted until the disability shall have been revoked by the proper authorities.

¶ 271. When accepted, the applicant for enlistment in the Oregon national guard shall sign the constitution and bylaws of the organization, and shall take and subscribe the following oath of enlistment and allegiance:—

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I,_____, on this _____ day of _____, 189___, having voluntarily enlisted in the Oregon national guard, do solemnly swear that I will support the constitution of the United States and of the state of Oregon; that I will obey all orders of my superior officers issued under the laws, rules, and regulations governing the Oregon national guard, for the term of three years, unless sooner discharged by lawful authority. So help me God. (Form 10.)

¶ 272. Each company commander or officer enlisting a soldier will sign a certificate, to be printed in the enlistment paper, that the applicant has been examined by himself, that he was entirely sober, of lawful age, and capable of performing the duties of a soldier.

¶ 273. Upon signing the enlistment paper the the soldier's full name, age, date of enlistment, and description will be entered in the company descriptive book, and the enlistment paper will when approved be at once forwarded through the proper channels to the adjutant-general for file in his office. The adjutant-general, upon receipt of the enlistment paper will issue to the soldier a certificate of enlistment.

¶ 274. A consolidated list of the enlistments made in each quarter, commencing January first, will be sent to the adjutant-general by the commander of each regiment, independent battalion, or squadron, which list shall contain an accurate description of the man enlisted, date of enlistment, residence, occupation, and whether

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or not the man was a minor. Commanders of independent companies will send similar lists.

¶ 275. In case of reënlistment, the company commander will indorse upon the enlistment paper, "second enlistment," "third enlistment," etc., which record will be entered upon the consolidated list of men enlisted, forwarded to the adjutant-general. Enlistments must in no case be antedated.

FORMATION OF COMPANIES.

¶ 276. Persons liable to military duty desiring to form a company, will make application to the military board in the following form:—

We, the undersigned, residents of the _____ military district, and subject to military duty, respectfully apply to be organized into a military company under the laws of Oregon and regulations of the Oregon national guard.

Which application will be followed by a list of the names and ages of the applicants, not less than thirty-nine in number. If the military board approve the application, they will so notify the adjutant-general, who will detail an officer to muster in the organization and to hold an election for officers thereof. The muster roll will be made in triplicate; one copy will be sent to regimental or battalion headquarters, one copy retained by the company, and one copy, with the enlistment paper of each soldier, be sent

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with the report of the mustering officer to the adjutant-general.

¶ 277. The mustering officer shall act as inspector of election, and shall make a report to the adjutant-general of the proceedings of the meeting, accompanying it by a copy of the muster roll, giving the full names and residences of the officers elected, who shall, as soon as practicable, be ordered before an examining board, as provided in paragraph forty-two.

¶ 278. To be eligible for election or appointment to military office, the person must be a male citizen of the United States and of the state of Oregon, of not less than eighteen years of age, a resident of the military district, and of reputable conduct.

¶ 279. Applications for new companies to form part of any regiment, battalion, or squadron must have the approval of the colonel commanding the regiment, or officer commanding the battalion or squadron.

¶ 280. No arms, accoutrements, or clothing shall be issued to any company until fully organized.

ARTICLE XIII.

ENCAMPMENTS.

¶ 281. Whenever the military fund is sufficient to provide for the expense, there will be held an annual encampment or encampments

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for instruction, and at such times and places as the commander-in-chief may designate.

¶ 282. The encampment will continue for at least five days, and the troops will be instructed in such ceremonies, maneuvers, and battle formations as the brigade commander may direct.

¶ 283. The brigade commander will each year make a recommendation to the commander-in-chief of such number of camps, locations therefor, and organizations to occupy them as he may deem best for the interests of the national guard; due regard being had to the location of companies, facilities for transportation, and economy.

¶ 284. When encampments are ordered, transportation of the military bodies to and from the place of encampment will be provided for by the quartermaster-general.

¶ 285. When any military organization is ordered to a camp of instruction, no member of it will be excused from attendance, except upon written authority of the brigade commander, or in consequence of sickness, certified to, as provided for in these regulations.

¶ 286. All absences of officers or enlisted men from a duly ordered camp of instruction will be reported by the commandant to the brigade commander, who will investigate the cause of such absence, and, if unwarranted, order a court for the trial of the offenders.

¶ 287. It will be the duty of the brigade

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quartermaster and brigade commissary of subsistence to provide the camp equipage and subsistence for enlisted men at the annual encampments. They will make requisition upon the quartermaster-general for such tentage and other equipage as may be necessary, and upon the chief commissary of subsistence for rations, and for such facilities for cooking and serving the rations as they may be able to furnish. At a brigade encampment the tents will be pitched under the supervision and control of the brigade quartermaster. At regimental or battalion encampments they will issue the camp equipage and subsistence to the quartermaster and commissary officer of the organization to be encamped. In lieu of issuing rations, contracts for feeding the troops may be entered into, such contracts to be approved by the chief commissary of subsistence; but it is advisable in all cases where possible to require the troops to prepare their own subsistence. (Forms 35, 36.)

¶ 288. Commanders of camps of instruction will be held responsible for the proper instruction and discipline of their commands, and will arrange that the time in camp be utilized to the best advantage for this purpose. Strict discipline will be maintained; the observance of military etiquette and courtesies will be insisted upon; the provisions of the drill regulations will be carefully adhered to; the sale of intoxicating

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liquors in or near the camp will be prohibited; no interference with or molesting of residents in the vicinity of the camp will be allowed, and any such occurring will be promptly punished. Officers of the day and officers of the guard will be held to a strict accountability for the instruction and conduct of the sentinels. The comfort, health, and proper subsistence of the soldier, and the thorough police of every part of the camp will receive careful attention. The camp will be pitched as nearly as possible in accordance with drill regulations; the tents of the principal officers will be indicated by a sign, but no marking of any kind will be permitted upon the canvas.

¶ 289. Any soldier convicted of misconduct during an encampment, and fined by a military court, shall have said fine deducted from his per diem allowance. The amount of such fine or fines shall be entered on the company payroll opposite his name, and a copy of the sentence of the court, certified to by the commanding officer, accompany the payroll.

¶ 290. The commander of the camp should, previous to going into camp, issue an order giving the locations of the different organizations, and providing all details for the government and conduct of the troops, and assigning to the staff officers their proper duties. The adjutant will prepare the duty rosters for the command, and all details will be made from them.

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¶ 291. Company commanders will inspect their companies and company messes daily, and will see that noncommissioned officers in charge of squads give their squads the proper supervision and care; they will instruct their men in the proper way to pitch and strike the tents, in airing and caring for their bedding, and will see that the arms and accoutrements are properly cleaned and taken care of.

ARTICLE XIV.

TARGET PRACTICE.

¶ 292. The target practice of the Oregon national guard shall conform as nearly as possible to that of the United States army. "Blunt's Small Arm Firing Regulations" as modified by "Rice's Small Arms Practice," and these regulations is adopted for the government and instruction of the troops of this state.

¶ 293. Each command will devote a portion of the year's instruction in armories to "position," "aiming," and "sighting" drills, to practicing the adjustment of sights and wind guages and the mechanism of the rifle. Outside target ranges should be procured if possible, but where this is impracticable the soldier can be taught the effective use of the rifle by the drills herein prescribed, and by gallery practice with reduced charges.

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¶ 294. Such preliminary practice may be had as is deemed advisable, taking into consideration the ammunition available, but scores for qualification will be shot at one time at each range, and one sighting shot will be allowed at ranges above two hundred yards.

¶ 295. At such time as may be directed in each year, company commanders will send to their respective headquarters a report of the standing of their companies in target practice; these reports will be addressed to the inspector of rifle practice of the command to which the company reports and will be consolidated and forwarded to the brigade inspector of rifle practice, who will include them in his annual report to the adjutant-general.

¶ 296. The use of the rifle is an important part of the instruction of a soldier, and its principles must be taught to each recruit by his proper officers.

¶ 297. All line officers will make themselves familiar with the nomenclature of the rifle and its use, with the system of instruction adopted, as well as with all orders and regulations for rifle practice at the ranges.

¶ 298. All officers and enlisted men of organizations armed with rifles or carbines are required to practice at the ranges. Enlisted men of the hospital corps, band leaders, drum majors, and musicians may be excused from such prac-

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tice. General officers and general staff officers will be permitted to practice.

¶ 299. Rifle practice is divided into, *first*, introductory practice; *second*, general practice; and, *third*, advance practice.

¶ 300. Introductory practice will consist of such instruction as can be given in armories and on gallery ranges, and will be supervised by an officer or noncommissioned officer.

¶ 301. Company commanders will report by letter in each year to their immediate inspectors of rifle practice the amount and kind of "introductory practice" had in their companies. The report will contain the names of all men of second and third classes, the kind of instruction given and the best scores of each man made in gallery practice with sight set for two hundred, three hundred, five hundred, and six hundred yards. If no practice is held, nor instruction given, report will so state.

¶ 302. General practice is such regular practice as takes place upon full distance ranges up to and including the sharpshooters' classification. It corresponds nearly to the "first year's practice" in "Blunt's Small Arm Firing Regulations."

¶ 303. Advance practice consists of all practice for "distinguished marksman's" and "distinguished sharpshooter's" medals and all succeeding practice.

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RANGES.

¶ 304. Ranges conveniently located, with facilities for shooting at least three hundred yards, should be procured whenever possible.

¶ 305. Commanders will publish such rules governing firing on ranges which they control as their situation may make necessary or proper to secure the safety of soldiers, citizens, or property; and officers and noncommissioned officers in charge of firing departments will be held responsible for their observance and for exercising due care and judgment to prevent accidents.

TARGETS.

¶ 306. The firing at known distances will be at three targets. Target A will be used at one hundred, two hundred, and three hundred yards; target B at five and six hundred yards; and target C at eight hundred and one thousand yards.

POSITION.

¶ 307. At one hundred and two hundred yards the position for shooting will be standing; at three hundred yards, kneeling or sitting; at all other distances, prone, or any lying down position without artificial rest.

SCORES.

¶ 308. A score at any known distance ends with the fifth shot (a possible twenty-five); a

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score at unknown distances or in skirmishing consists of ten shots (a possible fifty). The best score at each of the ranges and the best skirmish score constitute the record score.

CLASSIFICATION.

¶ 309. Third class: soldiers not practicing or who have not qualified for a higher class.

¶ 310. Second class: those who have practiced on the ranges and failed to qualify for the first or higher class; also those who have fired a score of five shots in gallery practice with sights set for each of the ranges, one hundred, two hundred, three hundred, five hundred, and six hundred yards.

¶ 311. First class: all those making thirty points out of a possible seventy-five at one hundred, two hundred, and three hundred yards with rifle or carbine.

¶ 312. Riflemen: those making forty-five points out of a possible seventy-five at one hundred, two hundred, and three hundred yards. First class men who practice at five hundred yards and skirmish and including their qualifying score, make eighty points with the rifle or seventy-five with the carbine out of the possible one hundred and fifty points.

¶ 313. Marksmen: riflemen who practice at six hundred yards, and, including their qualifying score, make one hundred and twenty-five

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points with the rifle or one hundred and ten with the carbine out of the possible one hundred and seventy-five points.

¶ 314. Experts: marksmen who practice at eight hundred yards, and, including their qualifying score, make one hundred and fifty points with the rifle or one hundred and thirty-five with the carbine out of the possible two hundred points.

¶ 315. Sharpshooters: experts who practice at one thousand yards, and, including their qualifying score, make one hundred and eighty points with the rifle or one hundred and sixty with the carbine out of the possible two hundred and thirty-five points. Officers and soldiers failing during the first season's practice to qualify as sharpshooters, will repeat the same course each succeeding season until they qualify for this class.

¶ 316. All general practice for record must be under the supervision of an inspector of rifle practice, or some commissioned officer acting as range officer, and who shall, as such, certify to the score sheets.

SCORING.

¶ 317. Reliable and trustworthy men will be detailed as markers and scorers. Markers should be so detailed that they will not know who is shooting. Scorers will closely watch the marking and score only such shots as they see marked;

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they will call out the name of the man shooting and the value of his shot as soon as marked.

¶ 318. Any objection to the scoring of a shot as signalled must be made before another shot is fired.

¶ 319. Ink or indelible pencils only will be used in filling up and signing score sheets.

¶ 320. Score sheets will be provided by the officers in charge of the practice and no others will be used, nor will the same sheets be used for more than one range or for men of more than one company; they will be carefully protected and filed away by the officer in charge.

REPORTS.

¶ 321. Reports of target practice will be made on forms provided by the state. Company reports will include the name of every member of the company. The names will be entered in the order of their merit, as determined by their aggregate individual record for the current year; their classification will also be given.

¶ 322. All reports will be forwarded through proper channels to the inspector of rifle practice of the brigade, who will prepare a consolidated statement of target practice of the guard, to be forwarded to the adjutant-general in time for publication in his annual report.

¶ 323. Reports of the target practice passing through the different headquarters may be copied

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for record, although they must not be delayed in arriving at their proper destination.

¶ 324. Detailed instructions in regard to shooting, forms of targets, competition, and the making up of reports will be found in the manual of small arms practice herein adopted, and will be followed as far as they apply to the service in this state. Two copies of each of the manuals mentioned should be on hand in each company of the Oregon national guard.

ALLOWANCES FOR RIFLE PRACTICE.

¶ 325. The Oregon national guard will be annually allowed, for the instruction of the soldier in target practice, such an amount of small arm ammunition as may be fixed by the military board or published in orders. When the rifle or carbine bullets fired in range practice can be recovered, they will be recast for gallery practice, and round balls will not be supplied.

¶ 326. Company commanders and other officers accountable for ammunition will keep a permanent record, for each calendar year, of the amount expended in target firing at each practice, in order that officers succeeding them in command at any time during the year may be enabled to regulate subsequent expenditures.

¶ 327. Any expenditure in excess of authorized allowances will be charged to the officer accountable.

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¶ 328. Ammunition not expended at the end of the year will be no longer available.

¶ 329. The ordnance department will provide the targets, streamers, and signal flags required in practice. The labor and expense of setting up the targets, preparing the range for firing, and shelters for the markers will be borne by the quartermaster's department.

ARTICLE XV.

ALLOWANCES AND PAYMENTS.

¶ 330. Authority from the military board of the state is necessary before any expense for the military service can be incurred, except in sudden emergencies.

¶ 331. Commanders needing supplies or services procurable in the vicinity of their stations will make application in writing to the secretary of the military board, stating in detail the necessity for the expenditure, the articles to be purchased, supplies or services required, and probable cost. These applications will be forwarded through the regular military channels and receive the approval or disapproval of the respective commanders through whom forwarded, and such remarks or recommendations as they desire to make; they should be forwarded in time to arrive at the office of the secretary five days before the regular meeting of the military board.

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¶ 332. Vouchers for authorized expenses will be made in duplicate on form forty-one, and will contain a statement of the authority for the expense and be accompanied by a bill from the party furnishing the supplies or services as a subvoucher. The vouchers will be made out in the name of the person or firm receiving the money, be sworn to, and the receipts signed by the same parties or firm and certified to by the officers procuring the supplies or employing the services as correct and just. If the account is paid by the officer before putting in the claim the vouchers will be made out to and signed by him, and the bill accompanying the voucher will be receipted so as to show that he has paid it. One copy of the voucher with the original bill will be forwarded direct to the secretary of the military board. The duplicate copy will be retained and filed.

¶ 333. Accounts for allowance under the military code (section twenty-five) will be made on form fifty, will be sworn to, and the receipts signed. "Section twenty-five, military code," will be written across the face of the voucher. The item for extra allowances in this section will also state the number of men present at each inspection mentioned in the section, and the average number for the year as verified by the inspectors.

¶ 334. Officers and soldiers accounts for per

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diem, transportation, and actual expenses will be made on form forty-two, and will contain a statement of the dates and number of days on duty, the places between which the travel took place, the number of miles traveled, and the authority for the duty or journey performed, the account to be verified by affidavit, the receipt to be signed by the person to whom the voucher is made out and forwarded direct to the secretary of the military board. A duplicate copy should be kept by the officer for his protection in case of loss in the mail.

¶ 335. Headquarters of regiments, squadrons, and battalions will be allowed for necessary routine expenses ten dollars per month for a headquarter-room, and ten cents per head each quarter for the number of officers and men present at the last preceding quarterly inspection. These amounts will be placed on the voucher for rent allowance as separate items, and the number of men present at the last quarterly inspection and the amount due by the state.

¶ 336. When called into active service for a period less than thirty days, members of the Oregon national guard will be paid as follows: Officers, the rate of pay established by the United States government for officers of the regular army, and enlisted men as provided in section twenty-eight of the military code. Should the service continue thirty days or

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more all grades will be paid for the time exceeding thirty days according to the established schedule of pay for the United States army.

¶ 337. When in active service or encampment officers and soldiers will be paid on payrolls, to be made in triplicate and to contain the full name of each officer and soldier on duty, his rank and corps, the date his service commenced, the length of time he has served to be paid for, the amount of deductions, and the amount due him from the state. This payroll must be verified by the commander of the troops who will certify to its correctness, procure the receipt in triplicate on the rolls of each person to be paid, and forward two copies to the paymaster-general. When paid, one copy of this payroll will be filed in the office of the adjutant-general; one copy will be filed with company records. (Form 20.)

¶ 338. The brigadier-general and the inspector-general, while making the inspections required by law, or ordered on any duty by the commander-in-chief, involving absence from their station or business will be paid the per diem provided for their grades in section twenty-eight of the military code. Other officers on special or court-martial duty, requiring absence from their station or business, will be paid three dollars per day for the time actually under orders.

¶ 339. An officer of the regular army on duty

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with the Oregon national guard, will, when directed by the commander-in-chief to make inspection or perform any duty requiring absence from his station, be paid the actual expenses incurred in compliance with his orders.

¶ 340. Enlisted men placed upon any special duty away from their proper organization will be paid two dollars per day while on such duty.

¶ 341. Officers and enlisted men on special duty will be allowed five cents (5 cents) per mile for distances necessarily traveled in carrying out their orders, or the actual cost of transportation by stage or hired conveyance, unless furnished with transportation and sleeping-car accommodations where necessary, by the officer directing the travel.

¶ 342. Only the commander-in-chief and brigade commander are authorized by law to issue orders involving expense for per diem or transportation.

¶ 343. As all accounts must pass the scrutiny of the military board before being paid by the secretary of state, officers are enjoined to see that all vouchers for expenses, allowances, or services are correctly made out, properly dated and signed, and in the hands of the adjutant-general, who is the secretary of the military board, at least one week prior to its regular meeting.

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ARTICLE XVI.

ARMORIES.

¶ 344. The term "armory" will apply to any room or building used by a military organization for the purpose of drill and administration, and over which the organization has exclusive control during occupancy.

¶ 345. The sum of three hundred dollars per annum is allowed to each military company, troop, and battery for expense in fitting up an armory and paying the rent thereof. No part of this money will be paid to any company not having exclusive control of a room or building of sufficient capacity to admit of the usual military exercises and to furnish accommodations for the arms, accoutrements, uniforms, and state property issued to the company, battalion, squadron, or regiment.

¶ 346. All arms, equipments, uniforms, and state property of whatever kind will be kept in the armory, and such arrangements will be made for the care and protection of the property as will insure its safety.

¶ 347. Arms will be kept in racks where they can be locked up, and be under the charge of an armorer, who will habitually keep the key in his possession and be responsible that they are not removed without authority.

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¶ 348. Ammunition will be kept in the armory, unless prohibited by municipal regulations, when the officer responsible will secure storage for it in some safe place. If kept in the armory, special care should be given to its storage and protection.

¶ 349. Clothing and accoutrements will be kept in lockers provided for them. There should be one locker to each member of the organization, provided with a lock and duplicate keys; one key to be in the possession of the member, the other to be deposited with the captain of the company. Exchanging uniforms or equipments without the authority of the company commander is prohibited.

¶ 350. Loaning or hiring out of arms or property of the state, issued to companies for their use in the military service, is forbidden. Arms, equipments, and uniforms will not be taken from the armory except upon written permission of the officer responsible.

¶ 351. A list of all property of the state issued to military organizations will be kept in the armory and administration-rooms of companies to which reference can be had at any time.

¶ 352. A bulletin board should be hung in a conspicuous place upon which orders, details, and special instructions will be posted and allowed to remain until acted upon.

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¶ 353. A book of issue will be kept in the armory, in which will be entered against the name of each officer and soldier the articles of military property in his possession, and the number of rifle, carbine, and pistol issued to him. Each soldier, commencing with the first sergeant, shall be numbered, and his number shall be marked upon the gunrack and locker where his arms, clothing, and equipments are kept. The letter of his company and number of the regiment will be marked upon the canteen, haversack, and knapsack of the soldier when issued to him.

¶ 354. Companies at the same station shall occupy and use the same armory unless the authority of the brigade commander is procured for using separate armories.

¶ 355. Brick or stone buildings are preferable for armories, but whatever armory may be procured reasonable precautions must be taken against fire, and access to the armory must be prohibited and provided against to any person not authorized by the officer in charge.

¶ 356. Armories of cavalry troops and light batteries shall have a saddle-room in addition to the drill and administration-room. The saddle-room should be provided with a secure rest for each saddle. Upon this rest should be placed the saddle, then the folded blanket, and over the blanket the bridle; the lariats and hobbles

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should be hung near the saddle-peg. Battery harness should always be hung up and so adjusted as to be ready for use; the leather of saddles, bridles, and harness should be occasionally oiled to keep it from cracking.

¶ 357. In every company armory, or administration-room should be posted a list of members, showing the residence, place of business, and postoffice address of each man.

¶ 358. Officers and soldiers will be held to be "on duty" whenever assembled in the armory rooms by order, or in accordance with the by-laws, and will carry out the requirements in regard to military etiquette and courtesies and military discipline.

¶ 359. Each armory is a military post and is under the exclusive jurisdiction of the commander of the organization occupying it, subject to the regulations established by the military board. All soldiers present in an armory are required to observe the rules, regulations, and courtesies of the military service.

ARTICLE XVII.

CORRESPONDENCE.

Numbers in ( ) refer to numbers in examples given below.

¶ 360. Military correspondence should be plain and concise; statements should be made in such terms that they cannot be misinter-

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preted, and not one word more than necessary to a correct understanding should be added; nor should a communication, as a rule, refer to more than one subject. Names especially should be written in plain letters.

¶ 361. Reference in a communication, report, or return, to the military code, the regulations, or office duties, will be made by using the capital letters "M. C., R., O. D.," followed by the number of the section or paragraph. For reference to orders, the following abbreviations will be used: For general and special orders from general headquarters, "G. O. (number) A. G. O.," or "S. O. (number) A. G. O."; for those of brigade headquarters, "G. O. (number) B."; for orders of regimental or battalion headquarters, "R. or B. O." (number), each abbreviation followed by "S. (series) '95," (or year of issue of order, omitting the 18,) or the full date, when that is of special importance; "N. C. S." will be used for noncommissioned staff officers; "N. C. O." for noncommissioned officers; "C. O." for commanding officer; "C. of O." for chief of ordnance; "I.-G." for inspector-general; "G. I. R. P." for general inspector of rifle practice, etc.

¶ 362. If a communication should occupy more than one page, there must always be left, or, if necessary, paper firmly attached to it to

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leave, on the outside, after the end of the same, one page entirely clear for briefing, etc.

¶ 363. A margin of not less than one inch should be left clear on the left of each page; the top right-hand portion of the first page is to show where the communication emanates from, *i. e.*, to contain the heading; the person to whom it is directed is indicated below the heading, but on the left-hand part of the page; the word "Sir," precedes the communication itself, which follows then, and is closed with the phrase "Respectfully"; this is finally followed by the signature of the writer.

¶ 364. The heading of a communication from a company, battery, troop, or signal corps commander, or officer of and with such command, commences (1) with the designation of the command, "Company A, First Regiment, O. N. G."; that of a battalion, regimental, brigade, or post commander, or officers of his staff, (2) with "Headquarters" (such as battalion, etc.); this is followed on a second line (3) by the house number, and the name of the street, etc., where the organization is located; on a third line is placed (4) the name of the city, town, village (the state will be given only when the writer is not in the state of Oregon), where, and the date when the communication is written; the second and third lines may be combined into one. The

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heading must contain the exact and correct post-office address of the command or the officer.

Examples—

(1) COMPANY A, FIRST REGIMENT, O. N. G.
Or,
(2) HEADQUARTERS BRIGADE, O. N. G.,
(3) 307 Grant Street,
(4) *Portland, March* 19, 1895.

¶ 365. The address, if a communication relates to an officer personally, consists of (6) first, the grade of the officer and then his name; followed on a line below this by the designation of the organization he belongs to, or the office he holds and the organization or department; this, in turn, is succeeded on a third line by the post-office address (7)—house, street, and place,—where he is to be found. If the communication refer to an officer's command or office there is substituted in place of his grade and name (5) "commanding officer," or, "assistant adjutant-general, quartermaster," etc., *i. e.*, the officer's office. House, street, and place where the person addressed is to be found may be omitted, when such are so well known as to be superfluous. Subordinate officers, in addressing commanding officers on official business, address their communications to the officer's adjutant, not to the commanding officer himself; for instance, communications for the commander-in-

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chief are directed to the "Adjutant-General"; for the brigade commander to the "Assistant Adjutant-General, Brigade," etc.; officers on the staff of a commanding officer also observe this rule.

Examples—

(5) Commanding officer:
Company A, Second Regiment.
Or,
Third Regiment.
Or,
Brigade.
Or,
(5) Adjutant, etc.
Or,
(5) Assistant Adjutant-General, etc.
Or,
(6) Captain William C. Noble,
Second Regiment,
(7) No. 10, Willamette Street,
Eugene, Oregon.

SIR: I have the honor, etc.
Or,
(18) I am directed by the commanding officer, (by the regimental, by the brigade commander,) etc.
Respectfully,
WILLIAM J. UNDERWOOD,
(8) First lieutenant, acting adjutant.

(14) Official: August 22, 1895.

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(9) JOHN T. CAMP,
Colonel.

(10) GEORGE SMITH,
Lieutenant-colonel, commanding.
(15) Official copy: August 22, 1895.
Adjutant, Second Regiment, O. N. G.

Assistant adjutant-general, brigade.
(16) Captain H. C. Everdell,
Third Regiment, C. O., Sep. Bat.

(11) H. P. STACPOLE,
Major first battalion, (12) commanding.
(17) Through the channel.

(13) STEPHEN H. OLIN,
Assistant adjutant-general.

¶ 366. In the body of a communication, when an officer is mentioned by name, his grade or rank is to precede, and his organization or office is to follow his name. The signature of an officer must be written legibly, and is followed, on a line below it, by his grade, or grade and acting office, or office only; the permanent commanding officer of an organization (9) simply writes his grade below his name—captain, colonel, brigadier-general; an officer of the organization temporarily in command (10) adds to his grade the word "commanding"; an officer of an organization temporarily in command of another, or on duty with another (11 and 12), add to his grade also the designation of his

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proper organization, followed by the word commanding, if in command. When the heading of a communication does not show the organization of the signer or signers there is added (11) to the grade the organization, as when an officer is on leave of absence or on detached service, or in proceedings of boards, courts, etc.

¶ 367. At no time should an officer be addressed or alluded to by, or in signing himself use his brevet rank, if holding such, unless he be on duty by the orders of the commander-in-chief in his grade by brevet.

¶ 368. Communications to subordinates are usually signed by the adjutant or other staff officer of the commanding officer (8 and 13); those to any other officer are signed by the commanding officer himself (9); but when a staff officer thus signs a communication the body of the same show that he does so by the orders of his commanding officer (18): "I am directed by," "by the direction of," or "by order of," the commanding officer.

¶ 369. Staff officers, commissioned as such, are commissioned to an office with grade of major, etc., and, in signing, place after their names their office only (13); officers detailed, not commissioned, as staff officers, place their grade and acting office below their signature (8); aides-de-camp, however, when acting as assist-

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ant adjutant-general, simply sign "aide-de-camp."

¶ 370. The use of *facsimiles* in place of actual signatures is not permitted in official correspondence.

¶ 371. Orders and circulars in which the name of the writer is printed, and copies of letters or other documents, may be made official and certified to as correct, by placing below the end of the same, in the left-hand portion of the page, (14 and 15,) the word "official," or words "official copy," followed by the date, if that of the original and the date of making the copy be not the same, and below it, by the signature of the officer certifying to the same.

¶ 372. Of the furnishing of copies and extracts of official papers note should be made in the books or on the originals, showing when, by whom, and to whom a copy has been furnished, as follows:—

746.

_____
_____
_____
_____
_____

(Three enclosures.)

FILE WITH 549, 1894.

Answered, June 26, 1895.
See letter to _____, June 30, 1895.

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. Copy of this, and answer of June 26, 1895, furnished to _____, July 18, 1895.

Submitted personally to the _____, August 27, 1895, and action deferred.

See letter to the _____, September 19, 1895.

Section 316, paragraph 3, October 21, 1895.

746.

3.

Extract, as indicated by red ink brackets within, furnished to _____, July 18, 1895.

¶ 373. All communications of any nature whatsoever must pass through the immediate commanding officers (through the channel), except where specially provided otherwise herein. In cases of pressing necessity, in which there is not sufficient time for regular communications, the necessity must be stated and copies forwarded through the channel.

¶ 374. The use of the telegraph, except in urgent cases, is prohibited. Telegrams sent should be numbered, and all telegrams received acknowledged by telegraph, referring to their numbers.

NOTE.—Enclosures should always be numbered in the order of their date, or in the order in which they should be read.

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¶ 375. Communications, orders, circulars, etc., for an officer, other than letters, are addressed to him in red ink in the same manner as a letter would be addressed, but below the close of the same, and on the left-hand part of the page (16).

¶ 376. When a communication should reach an officer through the proper channels, there is noted in red ink below the signature, but in the left-hand lower part or corner of the page, or below the address, if such should be in that place (17), the phrase, "through the channel," or "through brigade headquarters"; but the envolope in which it is sent, is addressed to the commanding officer, whom, in its course, it is to reach first, if from superior or equal authority, to his adjutant, if from subordinates.

¶ 377. Of all official papers copies should be kept, either verbatim copies or a synopsis of the contents in the letter, the order, or the journal and endorsement books; of stated returns and reports verbatim copies are kept and placed on file, or a letter-press copy is kept of them.

¶ 378. The proceedings of courts and boards are usually written on cap or large-sized paper. When the first page is filled, and it is deemed advisable to continue on the next page of the same half-sheet, the half-sheet is turned over from the writer, and the writing continued on the end, which then becomes the top. If more paper be required additional half-sheets

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are attached, and when the proceedings are completed the half-sheets are fastened together with the commencement of the odd pages on top.

¶ 379. Envelopes containing official communications should be marked on the upper left-hand corner "Official business"; if the contents be the proceeding of a court-martial, there should also be noted on the envelope "Proceedings of a court-martial." They are addressed as prescribed for the address of a letter, giving, however, in every case the postoffice, letter-box, or number and street, and the city, town, or village, and state.

¶ 380. Chiefs of staff departments communicate with the commander-in-chief and with other officers through the adjutant-general's office, but are authorized to correspond directly with subordinate officers of their respective departments or corps upon any matter relating exclusively to the manner of execution of departmental duties required by laws, regulation, or orders to be performed by them; necessary subreferences of such correspondence and subreports shall in like manner be directed by and through officers of the respective departments and corps. Such correspondence shall, however, not embody orders to be executed by a staff officer on duty with an officer commanding troops, in relation to any matter not specially

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excepted from his command and control by law, regulations, or orders, and replies thereto shall not embody remarks or recommendations on matters pertaining to the administration of the commander with whom the staff officer is serving.

¶ 381. Staff officers communicate in all other matters with the chiefs of their respective departments and always with their commanding officers through the office of the adjutant or the assistant adjutant-general of the organization with which they are serving.

¶ 382. Commanding officers will promptly forward communications, if addressed to a higher authority with their comments, recommendations, etc., if such be needed, (see paragraph three hundred and sixty-five), unless they possess the authority to decide the matters to which the communications refer; but unimportant and trivial communications, or such as relate to subjects commanding officers can readily decide themselves, need not be forwarded to higher authority simply because they are thus addressed. Commanding officers should decide whether the subject matter of a communication is of sufficient importance to consume the time of higher authority, especially the commander-in-chief.

¶ 383. Papers that will admit of or require in-

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dorsements, and all returns prescribed, will be forwarded without letters of transmittal.

¶ 384. Official communications addressed to officers of other military forces should be transmitted through general headquarters of this state.

¶ 385. When, after a reasonable lapse of time, no answer has been received to a complaint or other communication, which has been forwarded, a copy of the communication may be forwarded direct accompanied by a letter of transmittal, stating the action thus taken, and why.

FOLDING.

Numbers in () refer to corresponding numbers in examples.

¶ 386. A communication having been written the writer folds it, if letter paper, in three equal folds as follows: He places the paper before him, so that the heading will be to his right, and the margin farthest from himself; he then takes one third from the left (1), and folds it over to the right (2), covering thus two thirds of the letter; he then folds the remaining third (3) from the right to the left, over the part already folded; the folding is completed, and the communication is ready for briefing.

¶ 387. Should the paper be of larger size it is placed in the same manner, but the first fold made (from the left) is only sufficient to leave the remainder the size of letter paper, the fold-

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ing of which is as above; should the paper, however, be large enough to make folds of sufficient width for briefing and indorsements, it may be folded into four equal parts, folding it first in two, and these again in two equal parts. Enclosures are folded in the same manner.

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EXAMPLES.

[3]

HEADQUARTERS, FIRST REGIMENT, O. N. G.
PORTLAND, ——,
April 17, 1894.

Commanding Officer,
Company A, First Regiment.

[2]

SIR:

I am directed by the regimental commander to request you to ——————————

——————————

Respectfully,

——————————.

[1]

GEORGE L. WENTWORTH,
Adjutant.

Face of the letter and position for folding it.

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[1]	[2]	[3]
Briefing fold.	*First fold for indorsement.*	*Second fold for indorsement.*
This represents part of letter in preceding form, marked "3," folded over.	*This is the back of part of letter in preceding form, marked "2."*	*This represents parts of letter in preceding form, marked "1," folded over.*

Back of the letter, unfolded, after it has been folded properly.

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BRIEFING.

¶ 388. A communication (orders and circulars excepted) having been folded, the writer places a summary of its contents—a brief of it—on the first fold, and, to make sure that he does so on the proper one, it is well, until thoroughly familiar with the method, to examine and see if this fold turn from left to right, and that it has on the inside the margin of the letter on top and the heading toward its bottom. This first, or top fold, is used exclusively for the brief, the office marks and noting of enclosures.

¶ 389. The brief consists of three parts, which should be divided from each other by lines drawn in red ink. The first part shows the place where, and the date when the communication has been written; if, however, the letter be from the regular, well-known station of an organization or office, the place may be omitted. The second part is to show the name and official designation of the writer, or the title of the department, organization, court, etc., from which the communication proceeds. Letters from officers relating to the business of their commands or offices are not briefed in their individual names, but by their official titles, or the commands or office of which they are in charge, or in which they are serving. Letters or petitions signed by more than one person, are briefed in the names of a few of the most prominent

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signers, or if military men in the name of the senior in rank, and the words "and others" are added. The third part gives a synopsis of the contents or subject of the communication; and in this everything of importance, everything necessary to show the contents or subject, should be stated, but prolixity in the discription of places, the titles and offices or persons, and as to the subject should be avoided.

¶ 390. Indorsements, reports, or letters attached from time to time do not necessitate additions to the original briefing, which will not be changed except to correct errors or to supply omissions.

¶ 391. If the communication contain enclosures, they are laid and numbered, but not briefed, in the order of their dates, or in the order in which they should be read; if few in number and not bulky they may be kept inside the communication, otherwise they will be folded in a wrapper, marked "enclosures," as an accompanying package, and all officers through whose hands communications pass, will make the enclosures and slips secure, if necessary. The writer, having briefed the communication and numbered the enclosures, will note below the third part of the brief the number of the enclosures ("six enclosures," for instance).

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EXAMPLES

Of briefs, office marks, and notes for indexing.

Fort Leavenworth, September 30, 1895.

DIXON, Lieut. Thos. Z. R. Q. M., First Regiment.

Explanations and additional vouchers for file with his money accounts for July, 1895.

[Eleven enclosures.]

New Albany, Indiana, February 29, 1895.

JENKINS, Capt. B. F. Regimental Quartermaster.

List of quartermaster's property sold by auction on the 24th, 25th, and 26th instant.

Rec'd Q. M. G. O. March 3, 1895.

SMITH, John First Lieutenant Co. A., Second Regiment.

Trial by general court-martial, at armory of Second Regiment, commencing June 1, 1895, ending July 3, 1895.

President, Major Geo. E. B. Hart, Third Regiment.
Judge Advocate, Major Habeas Corpus, Judge Advocate, Brigade.

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February 15, 1895.

Quartermaster-General.

Recommends that Captain William S. Thompson, post quartermaster at San Francisco, California, be relieved by Captain R. B. Belden, A. Q. M., and ordered to report to the quartermaster-general.

(NOTE.— *To be indexed under Q. T. and B.*)

Fort Mumford, Kansas, March 8, 1895.

Cavalry, Troop "B." (Commanding Officer.)

Reports necessity for return of some of the detached officers of his troop before active operations begin.

(NOTE.— *To be indexed under C—"Cavalry, Troop B" and D—"Detached officers of Troop B."*)

Cheyenne, March 7, 1895.

Wyoming, Governor of.

Requests that Colonel Charles G. Gordon, Troop "A," Cavalry, be continued on duty in the territory until Indian troubles are settled.

(NOTE.— *To be indexed under W. and G.*)

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Boston, October 9, 1895.	*Nashville, September* 1, 1895.	*St. Louis, May* 18, 1895.
———	———	———
Fort Andrew, Post of, (*Post Quartermaster.*)	*Southwest—Military Division.* (*Chief Commissary Sub.*)	*Tactics and Small Arms.* (*Board.*)
———	———	———
Requisition for stoves for use of the garrison.	*Estimate of subsistence funds for fiscal year 1895–96.*	*Report on breech-loading small arms for infantry, cavalry, and artillery.*
———	———	———
(NOTE.— *To be indexed under A, "Andrew, Fort"; R, "Requisition for Q. M. Stores," and S, "Stoves."*	(*Three enclosures.*) (*Four enclosures, fifth indorsement.*) ——— *Rec'd O. C. G. S September* 5, 1895.	(NOTE.— *To be indexed under B," Board on Small Arms" and "Breech-loading Small Arms"; S, "Small-arms Board," and T, " Tactics and Small-arms Board."*)

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JOURNAL AND INDORSEMENT-BOOK AND OFFICE MARKS.

¶ 392. This book is to show the receipt and disposal of every communication reaching officially the commanding officer, except orders, circulars, mere letters of transmittal, and stated reports and returns, *i. e.*, reports and returns which, under the regulations or orders, are required to be rendered at fixed periods.

¶ 393. On the receipt of a communication it is entered in the journal (left-hand side of the book, see page 169), having first been briefed; if the communication pass through intermediate commanders, there will be added to the entry, approved or disapproved, as the case may be, by regimental and brigade commander, and according to its nature space is left for further additions to the same; the action taken or the disposition made of the communication is entered in the indorsement-book (right-hand side of the page, see page 170).

¶ 394. Petitions, etc., signed by more than one person, should be entered in the name of the most prominent of them, or in the name of the senior, should they be officers.

¶ 395. All entries in the journal are numbered consecutively, commencing anew every year; the number of this entry is placed on the top of the first or briefing fold of the communi-

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cation entered and of its enclosures; the date and office of receipt is placed as near as practicable to the bottom edge of the first fold of all communications received and their enclosures, whether entered or not, usually by means of a stamp; but should the communication require the action of higher authority, or simply pass through the office as part of the regular channel, the number is placed instead on top of the first fold at the end of the date and office of receipt (see example, page 171), the space on top of first fold being always reserved for the deciding office, and enclosures are in such cases not marked with the date and place of receipt or number of entry.

¶ 396. If a communication be received again at the office, it does not receive a new number or new entry, but in the journal, under its former number, note is made of its receipt; the date of receipt is however placed on it. Communications referring to others already received may be entered separately, if necessary, but in that case reference must be made in the new and the other entries to the numbers of all relating to the same subject.

¶ 397. When enclosures form part of the communication the fact must be stated as part of the entry.

¶ 398. The action taken on communications received and entered, should be indicated in the

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indorsement-book, right-hand side of book; if acted upon by indorsement the substance of the latter and by whom signed, if not by the officer who should ordinarily do so, or, if it be of sufficient importance or advisable, a verbatim copy of the same should be entered; if acted upon by letter the entry should refer to the page of the letter-book where the same may be found; if acted upon and retained, *i. e.*, filed, the indorsement-book should set forth the facts.

¶ 399. The entries in the book are separated from each other by a line drawn in red ink, space being left for future additions where such may be expected or are likely to occur.

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EXAMPLES.

OF JOURNAL AND INDORSEMENT-BOOK.

Left-hand side of book — Journal.

No.	*Writer.*	*Date of receipt.*	*Place, date, and purpose of communication.*
1.	*Separate Battalion by C. O.*	*March* 11, 1891.	*Return of appointment and examination of N. C. O.*
2.	*Smith, John H.*	*March* 13, 1891.	*Avondale, Pa., March* 10, 1891. — *Requested permission to visit camp with a party of friends, members of national guard of Pennsylvania.*
3.	1st *Regiment, by C. O.*	*March* 17, 1891.	*Requisition for thirty-five S. uniforms (thirty-five enclosures).*

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Right-hand side of book — Indorsement-book.

Date of action.	*Action.*	
March 13, 1891.	*Appointed, warranted, warrants sent, S. O.* 17.	*Filed.*
March 15, 1891.	*See letter-book.*	*Filed.*
March 20, 1891.	*To A.-G., approved; March* 23d *received back and returned to C. O. for explanation; March* 25th *received and forwarded explanation; April* 2d *notice of order of issue from A.-G. to C. O.*	

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EXAMPLE OF OFFICE REMARKS.

1,104.

530 *Morrison Street, Portland, Oregon,*
March 10, 1895.

First Regiment, Company A. By Commanding Officer.

Reports Private Benjamin Houstell, Company A, First Regiment, who served with his command during riot in February last, has not turned in the state property intrusted to him, and incloses list of such property.

(*One enclosure.*)

(*One enclosure, thirteenth indorsement.*)

Received Company A, First Regiment, May 27, 1895.
Received Headquarters First Regiment, April 2, 1895.
Received Headquarters Brigade, April 2, 1895.

EXAMPLES OF NOTATION ON ENCLOSURES.

1,104.

1.

Received general headquarters April 16, 1895

1,104.

2.

One enclosure, thirteenth indorsement.

Received general headquarters April 2, 1895.

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FILES.

¶ 400. Communications remaining in the office, except orders, circulars, and stated reports and returns, are filed in the order of their numbers; if withdrawn a slip should be left in their place indicating when and by whom withdrawn; if withdrawn permanently, this fact and explanation is to be noted in the journal, etc., book in the appropriate place. Orders, circulars, and stated returns are filed by themselves, each kind and of each organization separately. At the beginning of each year new files are commenced.

¶ 401. If orders be not received in regular succession, but should be so received, commanding officers will report missing numbers to the proper headquarters.

INDORSEMENTS AND ENCLOSURES.

¶ 402. All communications which require action on the part of the intermediate and final authorities must be forwarded or transmitted, and those which it is not absolutely necessary to retain should be returned, transmitted, or forwarded, with an indorsement on the same; but orders, letters, or other communications, which pass through an office simply as the proper channel, and bear no indorsement from superior headquarters, or on which no action is required

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by, or can be expected of, intermediate commanders, whether going forward or being returned, are transmitted without indorsement; the date of receipt and number of entry in journal, placed on the briefing fold, show that they have passed through the headquarters, etc., known as the channel.

¶ 403. Indorsements commence on the top of the second fold, obtained by turning the first fold (the one on which the brief is) over toward the left of the writer and under; they follow each other in regular order of date, and are, if more than one, separated from each other by a line in red ink, and numbered successively. When the second fold is filled, the paper is turned over to the left and the fold under, and the indorsements are continued on the third fold — that is, the fold which, when the paper is turned over, is then found to be covered by the first fold.

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Three and five are slips of paper attached to letter, if more space be required for indorsements; they turn over second fold for indorsements, as leaves in a book turn over to the left; dotted line indicates where number three is pasted on the reverse edge of number two.

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Should additional space be required, a slip of paper the length of the fold and a little wider than the same, is pasted under the right-hand edge of the third fold, sufficiently far in, that it will stay securely and when turned over to the left, over the third fold, be of the same width as the latter; slips are thus added turning back upon the last fold like the leaves of a book, as long as necessary.

¶ 404. In writing an indorsement, there is first placed on the fold the number of the same (first indorsement, etc.); this is followed by the designation of the command or office, and post-office address of the writer and the date of the writing. The indorsement of the body of it, then commences with, as the case may be, "Respectfully forwarded to, referred to, transmitted to, or returned to." Commanding officers forwarding communications to higher authority must approve or disapprove them, adding such additional remarks, based on personal or official knowledge, as they possess or may be necessary to enable the higher authority to come to a final decision on the question without further reference or correspondence. (Paragraph three hundred and sixty-five.) Then follows the signature as explained in the article on correspondence, except that the assistant adjutant-general, if authorized by his commanding officer may, during the temporary absence of the latter, for-

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ward matters of routine to higher authorities signed by himself, adding after his office, "In the temporary absence of the commanding officer."

EXAMPLES.

(First indorsement.)

COMPANY A, THIRD REGIMENT,
THE DALLES, Or., May 1, 1894.

Respectfully forwarded to the adjutant-general, etc.

EDWARD C. SMITH,
Captain.

(Second indorsement.)

HEADQUARTERS, THIRD REGIMENT,
THE DALLES, Or., May 4, 1894.

Respectfully forwarded. There is no doubt a decision in this case will be of great advantage, as will be seen by enclosure to this indorsement.

HENRY JONES,
Lieutenant-colonel commanding.

(One enclosure.)

Or,

Respectfully forwarded. Attention called to enclosure No. ——, attached to this indorsement, which sets forth the opinion of the undersigned at length, etc.

To reduce labor, it is permitted in the case of a lengthy indorsement, to make the same in the shape of a letter and attach it to the communication as an inclosure; the indorsement in that case will simply refer to the inclosure, as in last example, and the letter can be copied in the

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letter-press book, saving thereby copying it in the indorsement-book and yet obtaining a verbatim copy of the same; the entry in the indorsement-book would refer for particulars to the letter-book.

¶ 405. Enclosures to indorsements are numbered in the order of their date, or in the order in which they would be read, commencing with the number next after the one held by the last enclosure to the original communication, or to a preceding indorsement, if enclosures be already attached; they are marked with such number about the middle of the first fold and below the number with that of the indorsement to which they pertain:—

2.

(One enclosure, thirteenth indorsement.)

The fact that enclosures have been added is then noted on the brief below the summary or below the notation of such to the original or preceding indorsements, if such be indicated.

One enclosure, thirteenth indorsement.

See, also, pages 152, 165, 171.

ARTICLE VIII.

RECORDS AND RETURNS.

¶ 406. All military records, such as files of public letters, letter-books, orders, order-books, register of commissioned officers, muster rolls, payrolls, etc., are the property of the state and

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will be turned over in proper form to officers succeeding in command.

¶ 407. There will be kept at headquarters of the Oregon national guard one property-book, properly ruled, for record of property of all kinds received and issued; one commission-book, for register of all commissions signed by the governor, and record of all changes occurring in the commissioned force; returns of assessors, showing number of men in each county liable to military duty; reports of mustering officers; election returns; reports of the chiefs of staff departments; reports of boards of survey; reports of enlistments and discharges; returns of regiments, battalions, squadrons, and independent companies; applications for the organization of companies; requisitions for allowances; orders issued — general, special, and court-martial in separate files; and such other official books and papers as may be required at or sent to headquarters of the national guard.

¶ 408. At headquarters of the brigade will be kept one letter-sent book, with index; one indorsement-book, with index; one property-book (brigade quartermaster's office) files of orders issued — general, special, and court-martial in separate files by years; orders from headquarters of the Oregon national guard kept in the same way; rosters of the national guard; returns of the strength, etc., of military organizations; re-

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ports of the adjutant-general and brigade commander, and such letters, papers, information, and data as may be required by the regulations or necessary for use at brigade headquarters.

¶ 409. At each regimental, battalion, and squadron headquarters will be kept one order-book, one letter-sent book, with index; one docket-book, for courts of discipline and summary courts; one consolidated report of attendance; one register of officers and noncommissioned officers; one property-book, in which will be entered all arms, equipments, and quartermaster's property on hand in the regiment, battalion, and squadron, and the subdivision to which it is issued; files of orders and circulars from general, brigade, and regimental headquarters.

¶ 411. With a company, troop, and battery will be kept one order-book; one letter-sent book; one descriptive-book; one docket-book, for courts of discipline and summary courts; one report of attendance-book; one roster-book; one property-book; one book of issues to enlisted men; one sick report-book; one guard report-book; one finance-book, for civil administration; files of orders and circulars from superior headquarters.

¶ 412. Reports of attendance will be made for each stated meeting for parades and drills, one copy of which will be sent to the next superior headquarters.

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¶ 413. While in camp or in active service, all organizations require roster-books and "field reports" of attendance, the latter to be made up each morning and forwarded to headquarters as may be directed.

ORDER-BOOK.

¶ 414. This book, furnished by the state, contains, so to say, the originals of the orders issued; that is, the order-book of a company contains the orders of a company commander; that of a battalion, those of a battalion commander, etc.; they must be signed in the book by the commanding officer, or his staff officer if signed by order or command, and are separated from each other by a line drawn in red ink. Printed orders, or orders written by a multiplying process, may, instead of being copied, be pasted in the book, but if the signature of the officer should be printed, his actual signature must appear in its stead therein, *facsimilies* of signatures are not permitted to be used in the books.

¶ 415. The orders of commanders of armies, corps, divisions, brigades, regiments, posts, departments, and districts are denominated "general or special orders," of such army, corps, brigade, etc., according to their character; those of battalion, detachment, signal corps, troop, battery, and company commanders are simply "orders." "General orders" are such as concern the whole command, or of which the

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whole command should be informed; "special orders" are such as apply to persons, or parts of commands only, and the publication of which cannot be of interest to the whole command; "orders" partake of the nature of general or special orders.

¶ 416. Orders are numbered consecutively, each kind — that is, general, special, or orders, — by itself, commencing anew every year; and the first general order of the year should state at its bottom the number of the last one of the past year, so that if the order should not have been received, application can be made for it; as the "orders" issued by company and battalion commanders are not always or all put in print, (general orders are almost invariably printed,) it is well to place at the bottom of each printed order a note to the effect that the last one printed bears such number, indicating thereby that the intervening numbers are not of a general but of a special nature, and are not needed by those who did not receive them.

¶ 417. In the margin or at the foot of an order in the book there must be noted, in red ink, to whom copies have been furnished and when, if at another date than that of the issue; if the order be printed, but written in the book, it sufficient to say "printed" to indicate the widest distribution.

¶ 418. The heading of an order is the same as

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that of letters, a margin of not less than one inch is to be left clear on the left of each page; the kind of the order and its number are placed below the heading just to the right of the margin; the body of the order then follows, and is succeeded by, if signed by a staff officer, his authority and then below the right-hand part of the body by his name, grade, and office, or office only; otherwise, by the signature of the commanding officer and his grade. The authority of the staff officer is indicated, if his commanding officer be below the grade of brigadier-general, by the phrase, "by order of Colonel (Scott)," etc.; if he be a general officer, by the phrase, "by command of brigadier-general (Doyle)," etc. The rules given in the article on correspondence on the subject of signatures govern also the signatures to orders.

EXAMPLES.

HEADQUARTERS, BRIGADE, O. N. G.
HEADQUARTERS SECOND REGIMENT, O. N. G.,
EUGENE, OR., January 29, 1890.

GENERAL ORDERS,
No. ___ .

SPECIAL ORDERS,
No. ___ .

ORDERS, No. _ _.

By command of Brigadier-General Smith.
By order of Colonel Seward, Jr.

HARRY C. CUSHMAN,
Assistant adjutant-general.

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FRANCIS G. LANDON,
Adjutant.
(Or, First lieutenant, acting adjutant.)
Or, ALBERT MYER,
Captain.
(Or, first lieutenant commanding.)
C. O. Second Regiment.
C. O. Company A, Third Regiment.

¶ 419. If the signature to an order be not the actual handwriting of the officer signing it in the order-book, the official nature of the order may be indicated by the word "official" followed by the signature of a staff officer, all placed after the close of the order just to the right of the margin; when the order is to be forwarded to higher headquarters, it must, however, be made official by the commanding officer himself; an enlisted man cannot official an order. If more than one copy of a printed order be sent to a company or other organization, through the channel, but one copy need be made official, although the name of the signer be printed in the order.

¶ 420. The address of the office or officer whom it is to reach, is placed in red ink, below the order, but just to the right of the margin; this is also governed by the rules prescribed in the article on correspondence.

¶ 421. In cases of emergency orders may be transmitted by telegraph; when thus sent a copy must immediately be furnished by mail.

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Officers receiving orders by telegraph will at once acknowledge by the same means their receipt, to the officer issuing them.

¶ 422. All orders of a general nature should be published to the command as soon after issue or receipt as possible.

¶ 423. Instead of writing or copying the orders in the order-books, to save labor, the following course may be pursued: Of general orders have at least one copy printed on larger-sized paper, with the name of the signer not printed in, and the "official" left off, so that he can actually sign them; of special orders and orders make copies, to be retained, as far as practicable, on the forms furnished by the state; prepare an index for each kind, and at the end of the year have each kind bound by itself with its index, as the general or special order-book, or the book of orders for the year past.

¶ 424. The rules prescribed for orders, also apply to circulars; and orders and circulars received are filed, each kind by itself in the order of their numbers. (See paragraph four hundred and sixteen.)

¶ 425. When orders are not printed, or prepared by a multiplying process, or there is no time to make copies of them, the custom of the service allows the following method of promulgation: If they be from brigade headquarters,

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the adjutants are assembled at those headquarters; if from the headquarters of a battalion or regiment, the first sergeants are assembled at the adjutant's office and the assistant adjutant-general or adjutant reads the orders to them slowly and plainly, so that they may write the same while he reads them, the same officer then signs each copy thus made; another way is to send a copy of the order by an orderly from headquarters to headquarters or officer to officer, and the officer reading the same indorses on the back of the order when he has received and read it and verifies this with his signature, having a copy made if necessary. When an orderly delivers an order, which is not to be returned by him, the officer receiving the same receipts on the envelope for the order, stating time of receipt and return the envelope to the orderly.

¶ 426. The parol, countersign, and watch-words are issued from the headquarters of the highest in command; they are of the nature of orders, but are neither general nor special, nor are they numbered or entered in the order-book.

¶ 427. Details of officers and enlisted men for guard, fatigue, outpost duties, etc., while orders are neither general nor special, and are entered in the respective rosters, and not in the order-books.

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LETTER-BOOK.

¶ 428. Letters sent will be copied in the letter-book or a letter-press copy-book may be used.

REGISTERS OF OFFICERS AND NONCOMMISSIONED OFFICERS.

¶ 429. Registers of officers, etc., contain the name, grade, date of commission, organization, residence, and place of business of officers, with other data of importance, and similar information in regard to noncommissioned staff officers.

DESCRIPTIVE-BOOK.

¶ 430. The descriptive-book will contain the record of officers, as in registers of officers, the names of each enlisted man in full, his age, occupation, place of business, and residence, date of enlistment and discharge, term of service, company number, and number of squad.

REPORT OF ATTENDANCE.

¶ 431. The consolidated report of attendance will show the attendance of each subdivision at stated occasions, and will be made up from the company reports of attendance. It will show the aggregate strength of the organization and changes since the last report. Abstracts from this book will form the consolidated report of attendance to be forwarded to the adjutant-general at the end of each quarter.

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ROSTERS.

¶ 432. Each first sergeant should have a roster of the company in book form, of convenient size to carry in the pocket. It should contain the name, address, company, and squad number of every member of the company; the noncommissioned officers arranged according to rank, the men alphabetically. It will be used to call the roll and make temporary details. A larger book will be kept in the company office from which regular details will be made according to the respective duties required, rosters being distinct for each class. There are three classes — *first*, grand guards and outposts, to be maked G. G.; *second*, interior guards, including stable guards; to be marked I. G.; *third*, all duties and fatigues without arms, to be marked F. Special details in either of these classes may be distinguished by special marks; as, camp guard, G.; orderlies, O.; detached service, D. Opposite the names of men that cannot be detailed will be placed marks indicating the reasons; as, S., sick; C., confined; D. D., daily duty, etc.

DOCKET-BOOK.

¶ 433. In the docket-book will be entered all sentences of courts of discipline and summary courts, with a record of their approval, disapproval, or mitigation. They will be shown in justice courts, where necessary, to verify actions

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brought for infraction of bylaws, or to enforce sentences of courts.

GUARD REPORT-BOOK.

¶ 434. The guard report-book should be in pamphlet form, and will be taken to all authorized camps, or when on continuous actual duty. It will contain the names of officers and soldiers placed on guard; give their respective duties and posts; show the names of prisoners under charge of the guard, and such sentences as may be awarded them—those who have the longest sentence to serve being recorded first.

SICK REPORT-BOOK.

¶ 435. The sick report-book is an ordinary blankbook in which the names of sick men are entered for the information, remarks, and prescription of the medical officer.

RETURNS AND REPORTS TO BE RENDERED.

¶ 436. By chiefs of staff departments—to general headquarters: annual report of their respective departments on or before the last day of November in each year.

By brigade commander: annual report of the command on or before the last day of November of each year; report of attendance at brigade encampments, to be forwarded after each encampment; consolidated monthly return of brigade, monthly; consolidated quarterly return of bri-

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gade, quarterly; copies of general or special orders to be sent immediately or as soon as printed.

By commanding officers of regiments, battalions, squadrons, and independent companies—to the adjutant-general: quarterly returns of their respective commands; reports of enlistments and discharges; quarterly account current of money received and expended, accompanied by vouchers; quarterly requisitions for money allowances on the last day of each quarter for allowances for next quarter; report of muster and inspection, when made by commanding officers, accompanied by company muster rolls and list of absentees, quarterly.

To brigade headquarters: return of command; semiannually, June and December; a consolidated ordnance and property report, showing all arms and stores on hand, annually; a report of drills and parades held, giving the number and kind of each, quarterly; a report of delinquent officers.

By officers accountable for property — to the quartermaster-general: return of uniforms and state property, quarterly; requisition for uniforms and quartermaster's property, annually, in October; requisition for transportation, when required for troops.

To the chief of ordnance: return of ordnance and ordnance stores, quarterly; requisition for

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ordnance and ordnance stores annually, in October.

By commanding officers of companies, of regiments, battalions, and squadrons — to next superior officer: quarterly returns of their respective commands; report of enlistments and discharges, quarterly; report of attendance, daily, when in camp, and after each stated drill or parade when not on such duty; return of absentees from each regimental, battalion, or squadron drill and parade, within five days thereafter. To the adjutant-general: muster roll, quarterly; enlistment papers, as soon as enlisted.

By officers in charge of staff departments — to their immediate commanders: quarterly return of men under their charge; return of arms and property for which responsible; report of absentees or delinquents at any drill or parade ordered from regimental, battalion, or squadron headquarters within five days thereafter, stating cause when known; report of the operation of their departments annually. To the adjutant-general: muster roll, quarterly; enlistment papers, as soon as enlisted.

¶ 437. Officers will render such other reports and returns as may be called for from any superior headquarters. All reports and returns should be furnished promptly. Copies of each of them will be kept on file or recorded in the proper books.

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MUSTER OUT AND DISBANDMENT.

¶ 438. Whenever a company, by reason of falling below the minimum number, or other valid reason, is mustered out or disbanded, the officer in charge will send to the next superior headquarters a muster roll of the organization and a statement of its finances and property. The application and statement will be forwarded through the regular channels to the commander-in-chief; if satisfactory, a disposition of the money and property will be directed by the adjutant-general; the men will receive honorable discharges from the headquarters to which the company reports. Officers will be discharged from general headquarters.

ARTICLE IX.

BLANKS AND BOOKS.

¶ 439. The following forms will be used in making reports, returns, requisitions, and for various purposes of administration and record in the national guard. Such of them as may be needed will be supplied from the adjutant-general's office upon written application, made direct:—

1. Account current.
2. Application for election of officers.
3. Application for discharge for disability.

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4. Application for discharge for cause.
5. Application for transfer.
6. Bond of officer.
7. Citation.
8. Commission.
9. Discharge.
10. Enlistment paper.
11. Furlough.
12. Invoice of money.
13. Invoice of stores.
14. Inspection report of troops.
15. Inspection report of property.
16. Muster roll, company.
17. Muster roll, field and staff.
18. Notice of election.
19. Oath of office.
20. Payroll.
21. Receipt for money.
22. Receipt for stores.
23. Receipt for blank forms.
24. Report of attendance, company.
25. Report of attendance, consolidated.
26. Report of examining board.
27. Notice and acceptance of election.
28. Assignment of officers to duty.
29. Return of officers elected.
30. Return of ordnance and ordnance stores.
31. Return of state property.
32. Return of troops, company.
33. Return of troops, consolidated.

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34. Certificate of service.
35. Requisition for forage, cavalry, and artillery.
36. Requisition for rations.
37. Requisition for ordnance, etc.
38. Requisition for state property.
39. Requisition for uniforms.
40. Subpœna.
41. Voucher for expenditures.
42. Voucher for mileage and per diem.
43. Warrant for noncommissioned officer.
44. Warning for duty.
45. Special requisition.
46. Officer's discharge.
47. Transfer to the "national guard veterans."
48. Sick report, company.
49. Sick report, consolidated.
50. Warrant voucher.
51. Inspection report of efficiency.
52. Inspection report of money accounts.
53. Certificate of enlistment.
54. Receipt for property issued to enlisted men.
55. Certificate of nonindebtedness.

¶ 440. The following books required to be kept in the different military organizations will be supplied by the adjutant-general on written request therefor: Order-book, indorsement-book with index, property-book, description-book,

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sick report-book (pamphlet), guard report-book (pamphlet), register of officers and noncommissioned officers, letter-book, docket-book, issue-book, roster-book, roster-book (small) for first sergeant.

ARTICLE X.

MILITARY ETIQUETTE.

¶ 441. Officers salute each other and enlisted men salute officers on all military occasions, and in armories at all times, even if neither be in uniform; the junior officer or the enlisted man saluting first.

¶ 442. When under arms, armed with the sword or sabre drawn the salute is "present sword or sabre"; armed with rifle or carbine, the "rifle salute" is executed; when not under arms, or armed with a sword or sabre not drawn, the salute is rendered with "the hand."

¶ 443. In saluting with the hand, the left is used when the officer passes by the right of the saluter; in all other cases, or, if mounted, the salute is given with the right-hand. Officers salute with the left-hand only when the right is engaged.

¶ 444. Before saluting at a halt the position of attention is to be assumed; when meeting or passing an officer, the position of a soldier on the march; in either case the coat should be buttoned, and, if smoking, the cigar or pipe should be removed from the mouth.

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¶ 445. When addressed or being addressed by a superior officer, the officer or enlisted man halts, if not already at a halt, faces and salutes the superior officer; at the close of the interview or report, before departing, a salute is again rendered.

¶ 446. When passing, the salute is given six paces from the officer to be saluted, and in rendering it the hand is not dropped or the sword recovered until the salute has been acknowledged, or the party or person saluted has, or has been, passed.

¶ 447. When officers remain in or about the same place, salutes are not repeated, but a respectful conduct is maintained until they leave.

¶ 448. Prisoners under guard are not privileged to salute.

¶ 449. In the trenches or on outpost duty troops render no honors, but personal salutes between officers and enlisted men are not omitted, unless they cause exposure to danger.

¶ 450. On fatigue duty the officers and noncommisioned officers in charge salute; the men do not cease work to salute, unless spoken to, or they are by themselves some distance from their party, and without implements in their hands.

¶ 451. Officers of foreign service; officers of the army, navy, marine, and volunteers of the United States; officers of the national guard of

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other states and of the militia, will be saluted by officers and enlisted men in the manner prescribed for saluting officers of the national guard of this state.

¶ 452. The president of the United States; a sovereign or chief magistrate of a foreign country; governors of states and territories; the the vice-president, or the president of the senate; members of the president's cabinet; the chief justice and speaker of the house of representatives of the United States; the president of the senate, and the speaker of the house of representatives of this state; the mayor of a city, in which one or more regiments are stationed; American or foreign envoys, ministers, chargé d'affairs, and consuls-general, are saluted by officers and enlisted men in the manner they salute general officers of the national guard..

¶ 453. Officers inside of a house or tent, although visible from the outside, are not saluted.

¶ 454. Any mark of attention shown by an enlisted man to an officer must be acknowledged by the latter.

¶ 455. At a reception, outdoors, it is proper to uncover if the person receiving be uncovered. At an official reception, or social occasion indoors, officers uncover, though in full uniform.

¶ 456. An officer will wear his sword on all occasions of duty. Officers in full dress on

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social occasions, not official, need not wear their swords. An officer in arrest will not wear a sword.

¶ 457. Enlisted men address officers by the grade the latter holds; officers addressing other officers do the same, except when addressing a lieutenant, to address whom as "Mr." custom has sanctioned.

¶ 458. Abbreviation of titles are unmilitary and an indication of bad manners.

¶ 459. When several officers are in company the right should be accorded to the senior in walking or riding; when entering or leaving a house or camp, and it be necessary, the junior should secure admission or passage for the party; in entering a room the senior precedes, in departing the junior of the party leads when the senior has indicated his desire to leave; juniors take seats when the senior is seated and rise with him.

¶ 460 Officers, subordinate in rank to the commanding officer, visiting a military post or camp, whether on duty or not, should, soon after their arrival, report their presence at the office of the adjutant or adjutant-general of the commanding officer of the post or camp, making their official visit brief. When ranking the commanding officer they should call or notify him of their presence, when he will return their call, or make the first call. If the ranking

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visitor should be a general officer, the commanding officer will call, accompanied by all the officers of the post, in full uniform.

¶ 461. When an officer newly arrives, or joins at a post, it is the duty of all officers previously at the post to call upon him.

¶ 462. On the arrival of a large command at a post, if it be impracticable to call upon all the newly-arrived officers, the officers previously at the post call upon the commanding officer of the arrived command and the latter should take the first opportunity to return the call, making it as brief as he desires.

¶ 463. When a civil functionary entitled to an artillery salute arrives and does not call on the commanding officer, the latter, as soon as informed of the former's presence, should call on him.

SPECIAL RULES FOR OUTDOORS.

¶ 464. For the purpose of paying honors the halls and drillrooms in an armory, and a porch or veranda, are considered as outdoors.

¶ 465. A mounted officer or enlisted man, before addressing a superior officer not mounted, dismounts.

¶ 466. An enlisted man in command of an armed detachment brings it to carry arms when, at a halt or on the march, he meets an officer, and then, personally, salutes the latter; if the detachment be not armed its commander only

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salutes, bringing it, however, to attention, if at rest or route step.

¶ 467. An officer in command of an armed detachment brings it to a carry arms when, at a halt or on the march, he meets the commanding officer, viz., his company, battalion, regimental, or post commander, or a general officer, and he alone salutes; if the detachment be not armed its commanding officer salutes, bringing it to attention, if it be at rest or route step. Salutes paid to him by passing officers and enlisted men, and by sentinels, he acknowledges simply by a personal salute.

¶ 468. Armed troops passing a guard (not sentinel), a general officer, a body of armed troops, or civil dignitaries entitled to honors due to general officers, will be brought to a carry arms, and the commanding officers (and if the troops consist of more than one battalion the battalion commanders) will salute the guard, general officers, each other, or the civil officers, but all officers will salute the colors as they pass them; if, however, one body of the troops be at a halt it will be formed into line and brought to present arms. The field music will salute the colors, the general officers and the civil dignitaries. If the troops carry no colors, or are on a route march, only the commanding officers thereof salute each other, bringing their commands first to atten-

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tion if at rest, or as they should be on the march, at route step.

¶ 469. The following officers will be received by troops with standards and colors drooping, officers and troops saluting, and the band, trumpets, or field music playing, as indicated in each case:—

First—The president of the United States; a sovereign or chief magistrate of a foreign country, and a member of a royal family. Music, "The President's March."

Second—The governor of this state and the general of the United States army. Music, "The General's March."

Third—The lieutenant-general, United States army, or the major-general commanding the United States army. Trumpets sounding three flourishes, or drums beating three ruffles.

Fourth—A major-general. Two flourishes, or two ruffles.

Fifth—A brigadier-general. One flourish, or one ruffle.

Sixth—The vice-president, president of the senate, the members of the cabinet, the chief justice, the speaker of the house of representatives of the United States, and governors of other states, receive the same honors as the governor of this state.

Seventh—The president of the senate and the speaker of the house of representatives of this

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state, the mayor of a city in which one or more regiments are stationed, and American or foreign envoys or ministers receive the honors due to the lieutenant-general.

Eighth—Officers of the navy receive the honors due their assimilated rank.

Ninth—Officers of a foreign military or naval service receive the honors due their rank.

¶ 470. When an officer entitled to an artillery salute visits a post within his own command, the troops are paraded and he receives the honor of a review, unless he directs otherwise.

¶ 471. The compliment of a marching salute is rendered as prescribed for marching in review, except that the commanding officers and the bands continue in the column, and if the width of the street does not permit officers to take their tactical position they may take position in column, but not so as to interfere with the latter.

¶ 472. Every officer and enlisted man, not in ranks, when passing the national colors, carried by troops, or placed on stacks of arms on the color line, or when they pass him, should salute them. The salute is rendered as already described, if armed with rifle or drawn sabre; by uncovering, if not thus armed, except that officers and enlisted men wearing helmets with helmet cords attached may salute with the hand.

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¶ 473. On drill and during formation no salutes are rendered by troops or officers commanding them.

¶ 474. In camp, the tents and company streets are the company quarters, and when an officer enters the quarters the noncommissioned officer in charge, or the first man who perceives him, salutes, giving first the command "company attention," which is executed and maintained by all until the officer leaves the quarters; the attention is, in this case, the salute.

¶ 475. Under no circumstances is the flag of a military post dipped by way of salute or compliment.

¶ 476. The interchange of official compliments and visits between foreign military and naval officers and the authorities of a military post is international in character, and opens the door to both official and social courtesies among the officers. In cases of vessels of war, foreign or otherwise, recently arrived, it is the duty of the post commander to send a suitable officer to offer civilities or assistance. It is expected that the civility will be returned, and that within twenty-four hours thereafter, weather permitting, the officer in chief command of the ship or ships will visit the officer in command of the post or station, should the latter be his equal or superior in grade. This visit will be returned within twenty-four hours. Should the arriving

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commanding officer be superior in grade to the officer commanding the post or station, the first visit will be paid by the latter officer as the inferior in grade.

SPECIAL RULES FOR INDOORS.

¶ 477. For the purpose of paying honors the meeting rooms of an organization are considered as indoors.

¶ 478. Coming indoors the salute consists in uncovering, unless the officer or soldier entering should be under arms, or on armed duty, in which case he salutes as if out-of-doors.

¶ 479. In quarters, or anywhere indoors, soldiers are supposed to be uncovered as they would be in their civilian homes.

¶ 480. When an officer enters the quarters, or a place indoors where there are enlisted men, the one who notices him first gives the command "attention," upon which all come to attention, and the senior noncommissioned officer joins the officer; the position of attention is held until the officer, who acknowledges the same with the hand salute, has left. If there should be anyone covered, he uncovers at the command attention, unless he be under arms and on armed duty, in which case he comes to attention only. Should the officer remain in the place, he uncovers unless under arms. In the case of an officer so remaining, the men resume

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their employments, and come again to attention at the command of the noncommissioned officer attending the officer, when the latter is about to leave, and the officer then covers, if uncovered, and returns the salute. When seated at meals the men do not rise, but interrupt the meal and preserve silence until their mark of attention is returned by the officer.

SALUTES BY CANNON.

¶ 481. Salutes are fired only between sunrise and sunset, and, as a rule, never on Sunday. The national flag must always be displayed at the time of firing salutes.

482. The national salute for both the army and navy is twenty-one guns. The salute to the Union, commemorative of the Declaration of Independence, consists of one gun for each state, fired at noon on July fourth.

¶ 483. The president, on his arrival at and departure from a military post, or when passing in the vicinity, receives a salute of twenty-one guns, and no other personal salute is fired in his presence.

¶ 484. A sovereign or chief magistrate of any foreign country receives the salute prescribed for the president; members of a royal family receive the salute due to their sovereign.

¶ 485. The governor of this state, and the vice-president, or the president of the senate of

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the United States, receive a salute of nineteen guns.

¶ 486. The general of the United States army, members of the president's cabinet, the chief justice, and the speaker of the house of representatives of the United States, president of the senate of this state, and the governors of other states and territories, receive a salute of seventeen guns.

¶ 487. The assistant secretary of war and the assistant secretary of the navy, the lieutenant-general of the United States army, or the major-general commanding the United States army, the speaker of the house of representatives of this state, the mayor of a city in which one or more regiments are stationed, and American or foreign envoys or ministers, receive a salute of fifteen guns.

¶ 488. The major-general and ministers resident, accredited to the United States, receive a salute of thirteen guns.

¶ 489. A brigadier-general and chargés d'affaires receive a salute of eleven guns.

¶ 490. Consuls-general accredited to the United States receive a salute of nine guns.

¶ 491. Officers of foreign service visiting any post or station are saluted according to rank.

¶ 492. An officer assigned to duty according to brevet rank, is entitled to the salute prescribed for that grade.

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¶ 493. Officers of the United States army, of the navy, according to their assimilated rank, of volunteers (in commission), and of the national guard and militia of this and other states, will be saluted according to rank.

¶ 494. A general officer is saluted but once a year at each post, and only when notice of his intention to visit the post has been given.

¶ 495. When several persons, each of whom is entitled to a salute, arrive together at a post, the one highest in rank or position is alone saluted. If they arrive successively, each is saluted in turn. When a salute is to be given an officer junior to another present at a post, the senior will be notified to that effect by the commanding officer.

¶ 496. As a rule, a personal salute is fired when the personage entitled to it enters the post.

¶ 497. Naval vessels fire personal salutes to officers entitled to them when the boat containing the officers to be saluted has cleared the ship. It is an acknowledgment of the salute for his boat to "lie on her oars" from the first until the last gun, and for the officer saluted to uncover; then, at the conclusion, to "give way." Personal salutes are not returned by military posts.

¶ 498. In case of vessels of war of foreign powers at peace with the United States lying

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in our ports or harbors and celebrating their national festivals, the commander of each fort, battery, or military post may participate in the celebration by firing salutes, parading commands, etc.

ARTICLE XI.

NONCOMMISSIONED OFFICERS.

¶ 499. Noncommissioned staff officers are appointed by their respective regimental, battalion, or squadron commander; noncommissioned officers of companies by the company commander. They will receive warrants of office from the officer commanding their regiment, independent battalion, squadron, company, battery, or troop. (Form 30.)

¶ 500. A noncommissioned officer, staff, or company, reënlisting immediately upon expiration of his term of service, may be continued in office, if his immediate commander so desires, in which case he will retain his warrant; and the fact of reënlistment and continuance shall be noted thereon by the warranting officer, and he will rank from date of first appointment.

¶ 501. Noncommissioned officers may be reduced or returned to the ranks: *First*, at their own request, approved by their immediate commander; *second*, for cause, at the request of the company commander; *third*, by sentence of a court-martial. Reduction without trial will be

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be made by the officer authorized to issue warrants.

¶ 502. Civilians may be appointed hospital stewards, drum majors, chief musicians, and armorers, being duly enlisted as such; if reduced to the ranks, they will be discharged.

¶ 503. Noncommissioned officers of the engineer and signal corps, troops, batteries, and companies must be enlisted men thereof to be eligible to appointment.

¶ 504. Enlisted men delinquent or under charges are not eligible to appointment.

¶ 505. Sergeants or other noncommissioned officers in charge of squads are held responsible for the appearance and conduct of the men of the squad, and should be required to give them careful supervision, and to drill them in squad drill as frequently as possible.

¶ 506. When practicable, noncommissioned officers' schools should be held in each company, and a thorough course of instruction given by the company officers in tactics and target practice. Recitations, with blackboard illustrations, will be found especially valuable for their information and guidance. They should also be exercised in the command of the companies, platoons, and squads, under the supervision of the officers.

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ARTICLE XII.

STAFF DEPARTMENTS.

¶ 507. The chief of staff departments shall issue to their respective subordinates in charge of staff duties such rules and instructions as are necessary for the systematic working of the routine of their departments, and may require from them such reports and returns as are needed to carry out the provisions of these regulations and not inconsistent therewith.

¶ 508. The assistant adjutant-general of the state shall perform such duties as may be required of him by the commander-in-chief or the adjutant-general, and in the absence of the latter, will take his place and perform his duties.

¶ 509. The assistant adjutant-general of the brigade and the brigade quartermaster will perform such duties in their respective departments as may be required by the brigade commander. Whenever practicable, supplies and property will be issued to the national guard through the brigade quartermaster, and he will provide transportation for troops and supplies when required to do so by the quartermaster-general.

¶ 510. In the medical department, there shall be a hospital corps, to consist of an acting hospital steward for each regiment, separate battalion, or squadron, and two men for each authorized

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company. The corps shall be divided into detachments, which shall be assigned to regiments and battalions and known as "Hospital detachment, first regiment," "Second regiment," etc. The medical officers and hospital stewards of regiments, battalions, and squadrons shall be assigned to duty with the detachment attached to their respective organizations, the senior medical officer has charge of such detachment and appoints the acting hospital steward, who shall be a competent druggist. Each detachment shall be instructed in the drill and duties of a hospital corps, as prescribed in the United States army regulations, and if found deficient at any stated inspection, shall be mustered *out*. There may be organized also in the Oregon national guard, such engineer corps, subsistence corps, signal corps, quartermasters' corps, and pioneer corps, as the state military board may authorize. They shall be attached as a whole, or by detachments, to the brigade or such regiments and battalions as may be designated in orders by the commander-in-chief. Each corps may, when authorized to do so, elect a first lieutenant to be in immediate command and charge of the corps, who shall be under the control and supervision of the chief of that corps, or such commander as he may be directed to report to.

¶ 511. When authorized by the military board,

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a band to consist of twenty musicians may be organized for each regiment of infantry. The adjutant will command the band, and the chief musician will be its leader, or first sergeant. The band when fully organized will be entitled to the allowance of an infantry company.

ARTICLE XIII.

PROPERTY AND SUPPLIES.

¶ 512. Officers issuing or transferring property will with it deliver an invoice, in duplicate, and officers receiving the property will, without delay, receipt for it in duplicate, if the property and the invoice agree. One copy of the receipt and invoice will accompany the officer's return of property; the other copy will be retained and filed with his property accounts.

¶ 513. Public property lost or destroyed in the military service of the state must be accounted for by the affidavit of one or more persons cognizant of the facts, by the certificate of the officer accountable for the property, and by such other testimony of officers and soldiers as may be obtainable.

¶ 514. An officer accountable for unserviceable property will apply to the adjutant-general for the action of an inspector, and submit at the same time a list of the property. During the annual inspection of the brigade commander, if not made during an encampment, all unservice-

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able property of any military organization will be submitted to him or such staff officer as he may designate, and will be disposed of as he may direct; the proceeds of any sale or disposition for money to be turned into the organization having the property in possession at the time of the condemnation.

¶ 515. An officer responsible for United States property lost or damaged or becoming unserviceable or unsuitable will apply to the adjutant-general for a board of officers, enumerating the articles lost, destroyed, or damaged, and the cause thereof.

¶ 516. Officers are authorized to drop *from* their returns, on their own certificate of expenditure, ammunition, worn-out tent pins, and the helves of axes, pickaxes, and hatchets. No other property will be dropped except as may be ordered after an authorized inspection.

¶ 517. Officers receiving property will make a careful examination of it and report to the issuing officer any discrepancy with the invoice in number or condition; the officer's receipt when given is conclusive as to his responsibility.

¶ 518. A special requisition will be made for property or stores needed for special purposes or to meet an emergency; such requisition must have the approval of intermediate commanders.

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SUBSISTENCE PROPERTY AND SUPPLIES.

¶ 519. Subsistence supplies comprise all component parts of the ration and other food that may be purchased, called subsistence stores; and articles necessary for issuing, serving, and preserving these stores, called commissary property.

¶ 520. A ration is the daily allowance of food for one person, and consists of—

Twelve ounces of salt meat, or
Twenty ounces of fresh meat;
Eighteen ounces of soft bread or flour, or
Sixteen ounces of hard bread or crackers; and
Fifteen pounds of beans or pease, or
Ten pounds of rice or hominy;
Ten pounds of green coffee, or
Eight pounds of roasted coffee, or
Two pounds of tea;
Fifteen pounds of sugar;
Four quarts of vinegar;
Four pounds of soap;
Four pounds of salt;
Four ounces of pepper;
Four pounds of yeast powder (when flour is issued);
Twenty-four ounces of candles;
One hundred pounds of potatoes;
Twenty-five pounds of mixed vegetables;

To one hundred rations.

¶ 521. Rations will be issued on a ration return signed by the immediate commander and approved by the commanding officer.

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¶ 522. Troops to whom rations are to be issued for subsistence should be provided with the following articles of commissary property: To each company of forty men, four camp kettles, six mess pans, six frying pans, six reflectors, a large wooden tray for mixing dough. To each man, a tin cup, knife, fork, spoon, and plate. Each company should also be provided with a mess chest containing compartments, to protect and preserve the rations.

¶ 523. Troops in camp may be fed by contract or by subsistence stores purchased, prepared, and served under the direction of an officer detailed for the purpose; the method *in* either case to be approved by the commander-in-chief.

¶ 524. The ration herein provided for may be changed or increased at any time by authority of the military board.

¶ 525. The following articles may be issued as a "travel ration" when troops are deprived of necessary cooking facilities, as when traveling by rail, stage, or steamboat: Per one hun- rations — one hundred and twelve pounds of soft bread or one hundred pounds of hard bread; one hundred pounds of boiled ham or seventy-five pounds of canned, fresh, or corned beef; thirty-five pounds of baked beans in cans; nine pounds of roasted coffee; eighteen pounds of sugar; or, one quart of liquid coffee per man per

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day may be purchased *en route* in lieu of the coffee and sugar.

¶ 527. The purchase of the travel ration will be arranged through the office of the commissary-general or the brigade commissary of subsistence; or, in emergencies, may be made by any commissary of subsistence on the order of the officer commanding the troops. Vouchers for the purchase will be sent to the commissary-general of the state.

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ARTICLES OF WAR

GOVERNING THE

ARMIES OF THE UNITED STATES.

Extract, Revised Statutes U. S., 1878, p. 229.

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ARTICLES OF WAR.

Section 1342. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include noncommissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial:—

Article 1. Every officer now in the army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

Article 2. These rules and articles shall be read to every enlisted man at the time of or within six days after his enlistment, and he shall thereupon take an oath or affirmation in the following form:—

I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the president of the United States, and the orders of the officers appointed over me, according to the rules and articles of war.

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This oath may be taken before any commissioned officer of the army.

Article 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardians, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

Article 4. No enlisted man duly sworn shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the president, the secretary of war, the commanding officer of a department, or by sentence of a general court-martial.

Article 5. Any officer who knowingly musters as a soldier a person who is not a soldier, shall be deemed guilty of knowingly making a false muster and punished accordingly.

Article 6. Any officer who takes money or other thing, by way of gratification, on muster-

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ing any regiment, troop, battery, or company, or on signing muster rolls, shall be dismissed from the service and shall thereby be disabled to hold any office or employment in the service of the United States.

Article 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels to the department of war an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

Article 8. Every officer who knowingly makes a false return to the department of war, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison under his command, or of the arms, ammunition, clothing, or other stores thereunto belonging, shall on conviction thereof before a court-martial, be cashiered.

Article 9. All public stores taken from the enemy shall be secured for the service of the United States, and for neglect thereof the commanding officer shall be answerable.

Article 10. Every officer commanding a

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troop, battery, or company, is charged with the arms, accoutrements, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

Article 11. Every officer commanding a regiment or an independent troop, battery, or company not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment or an independent troop, battery, or company in the field, may grant furloughs *not* exceeding thirty days at one time to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

Article 12. At every muster of a regiment, troop, battery, or company, the commanding

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officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent non-commissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the department of war as speedily as the distance of the place and muster will admit.

Article 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier shall be dismissed from the service.

Article 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll knowing the same to contain a false muster, shall, upon proof thereof by two witnesses before a court-martial, be dismissed from the service and shall thereby be disabled to hold any office or employment in the service of the United States.

Article 15. Any officer who wilfully or through neglect, suffers to be lost, spoiled, or

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damaged, any military stores belonging to the United States, shall make good the loss or damage and be dismissed from the service.

Article 16. Any enlisted man who sells or wilfully or through neglect wastes his ammunition delivered out to him shall be punished as a court-martial may direct.

Article 17. Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accoutrements shall suffer such stoppages, not exceeding one half of his current pay, as a court-martial may deem sufficient for repairing the loss or damage and shall be punished by confinement or such other corporal punishment as the court may direct.

Article 18. Any officer commanding in any garrison, fort, or barracks of the United States, who, for his private advantage, lays any dutv or imposition upon or is interested in the sale of any victuals, liquors, or other necessaries of life brought into such garrison, fort, or barracks for the use of the soldiers, shall be dismissed from the service.

Article 19. Any officer who uses contemptuous or disrespectful words against the president, the vice-president, the congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service or otherwise punished as a court-martial may

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direct. Any soldier who so offends shall be punished as a court-martial may direct.

Article 20. Any officer or soldier who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

Article 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

Article 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition in any troop, battery, company, party, post, detachment, or guard, shall suffer death or such other punishment as a court-martial may direct.

Article 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition does not, without delay, give information thereof to his commanding officer, shall suffer death or such other punishment as a court-martial may direct.

Article 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, or disorders, whether among persons belonging to his own or to another corps, regiment,

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troop, battery, or company, and to order officers into arrest, and noncommissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

Article 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined and required to ask pardon of the party offended, in the presence of his commanding officer.

Article 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

Article 27. Any officer or noncommissioned officer commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company,

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post, or detachment who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

Article 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

Article 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and upon due application to such commander is refused redress, may complain to the general commanding in the state or territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the department of war a true statement of such complaint with the proceedings had thereon.

Article 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall

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summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if upon such second hearing the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

Article 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

Article 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

Article 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair at the fixed time to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

Article 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

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Article 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

Article 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him or be excused from duty except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty and the person so hired to do another's duty shall be punished as a court-martial may direct.

Article 37. Every noncommissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Article 38. Any officer who is found drunk on his guard, party, or other duty shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct. No court-martial shall sentence any soldier to be branded, marked, or tattooed.

Article 39. Any sentinel who is found sleeping upon his post, or leaves it before he is regularly relieved, shall suffer death or such other punishment as a court-martial may direct.

Article 40. Any officer or soldier who quits his guard, platoon, or division without leave

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from his superior officer, except in case of urgent necessity, shall be punished as a court-martial may direct.

Article 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters shall suffer death or such other punishment as a court-martial may direct.

Article 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard which he is commanded to defend, or speak words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death or such other punishment as a court-martial may direct.

Article 43. If any commander of any garrison, fortress, or post is compelled by the officers and soldiers under his command to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

Article 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parol or watchword different from that which he received, shall suffer death or such other punishment as a court-martial may direct.

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Article 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death or such other punishment as a court-martial may direct.

Article 46. Whosoever holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial may direct.

Article 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death or such other punishment as a court-martial may direct; and in time of peace any punishment, excepting death, which a court-martial may direct.

Article 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Article 49. Any officer who, having tendered his resignation, quits his post or proper duties without leave and with intent to remain permanently absent therefrom, prior to due notice

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of the acceptance of the same, shall be deemed and punished as a deserter.

Article 50. No noncommissioned officer or soldier shall enlist himself in any other regiment, troop, or company without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter and suffering accordingly. And in case any officer shall knowingly receive and entertain such noncommissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

Article 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death or such other punishment as a court-martial may direct; and in time of peace any punishment, excepting death, which a court-martial may direct.

Article 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one sixth of a

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dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied by the captain or senior officer of his troop, battery, or company to the use of the sick soldiers of the same.

Article 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

Article 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and to the utmost of his power redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service or otherwise punished, as a court-martial may direct.

Article 55. All officers and soldiers are to

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behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish ponds, houses, gardens, grainfields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States (unless by order of a general officer commanding a separate army in the field) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

Article 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death or such other punishment as a court-martial may direct.

Article 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their territories during rebellion against the supreme authority of the United States, forces a safeguard, shall suffer death.

Article 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding by shooting or stabbing with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by

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the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided for the like offense by the laws of the state, territory, or district in which such offense may have been committed.

Article 59. When any officer or soldier is accused of a capital crime or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer and the officers of the regiment, troop, battery, company, or detachment to which the person so accused belongs are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him in order to bring him to trial. If, upon such application, any officer refuses or wilfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

Article 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be

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false or fraudulent; or who presents or causes to be presented to any person in the civil or military service thereof for approval or payment any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or who enters into any agreement or conspiracy to defraud the United States by obtaining or aiding others to obtain the allowance or payment of any false or fraudulent claim; or who, for the purpose of obtaining or aiding others to obtain the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of any writing or other paper, knowing the same to contain any false or fraudulent statement; or who, for the purpose of obtaining or aiding others to obtain the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures or advises the making of any oath to any fact or to any writing or other paper, knowing such oath to be false; or who, for the purpose of obtaining or aiding others to obtain the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses or procures or advises the use of any such signature, knowing the same to be forged or counterfeited;

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or who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any persons such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the

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same, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receive his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentenced by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Article 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Article 62. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Article 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Article 64. The officers and soldiers of any troops, whether militia or others, mustered and

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in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

Article 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

Article 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

Article 67. No provost marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; *provided*, the officer committing shall at the same time deliver an account in writing, signed by himself, of the crime charged against the prisoner.

Article 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to

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make such report, he shall be punished as a court-martial may direct.

Article 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

Article 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

Article 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest under the provisions of this article may be tried whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Article 72. Any general officer commanding the army of the United States, a separate army,

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or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the president, and its proceedings and sentence shall be sent directly to the secretary of war, by whom they shall be laid before the president for his approval or orders in the case.

Article 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

Article 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

Article 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

Article 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such court, report to the com-

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manding officer of the department, who shall thereupon order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Article 77. Officers of the regular army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in article 78.

Article 78. Officers of the marine corps, detached for service with the army by order of the president, may be associated with officers of the regular army on courts-martial for the trial of offenders belonging to the regular army, or to forces of the marine corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

Article 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

Article 80. In time of war a field officer may be detailed in every regiment to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental or garrison court-martial when a field officer of his regiment may be so detailed.

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Article 81. Every officer commanding a regiment or corps shall, subject to the provisions of article 80, be competent to appoint for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

Article 82. Every officer commanding a garrison, fort, or other place where the troops consist of different corps, shall, subject to the provisions of article 80, be competent to appoint for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

Article 83. Regimental and garrison courts-martial and field officers detailed to try offenders shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any noncommissioned officer or soldier for a longer time than one month.

Article 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial:—

You, A. B., do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice without partiality, favor, or affection, according to the provisions of the rules and articles for the government

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of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law. So help you God.

Article 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following form:—

You, A. B., do swear that you will not disclose or *discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in due course of law, nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God.*

Article 86. The court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

Article 87. All members of a court-martial are to behave with decency and calmness.

Article 88. Members of a court-martial may be challenged by a prisoner, but only for cause

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stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

Article 89. When a prisoner arraigned before a general court-martial, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

Article 90. The judge advocate or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States; but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

Article 91. The deposition of witnesses residing beyond the limits of the state, territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

Article 92. All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form:—

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You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

Article 93. A court-martial shall, for reasonable cause, grant a continuance to either party for such time, and as often as may appear to be just; *provided*, that if the prisoner be in close confinement the trial shall not be delayed for a period longer than sixty days.

Article 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officers appointing the court, require immediate example.

Article 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Article 96. No person shall be sentenced to suffer death, except by the concurrence of two thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

Article 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the state, territory, or district in which such offense may be committed, or by the common law, as the same exists in such

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state, territory, or district, subject such convict to such punishment.

Article 98. No person in the military service shall be punished by flogging, or by branding, marking, or tatooing on the body.

Article 99. No officers shall be discharged or dismissed from the service, except by order of the president, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

Article 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the state from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

Article 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Article 102. No person shall be tried a second time for the same offense.

Article 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been com-

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mitted more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Article 104. No sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court, or by the officer commanding for the time being.

Article 105. No sentence of a court-martial inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the president, except in the cases of persons convicted in time of war as spies, mutineers, deserters, or murderers, and in the cases of guerrilla marauders convicted in time of war of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

Article 106. In time of peace no sentence of a court-martial directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the president.

Article 107. No sentence of a court-martial appointed by the commander of a division or of

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a separate brigade of troops directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

Article 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution until it shall have been confirmed by the president.

Article 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the president, or by the commanding general in the field, or commander of the department, is not required by these articles.

Article 110. No sentence of a field officer detailed to try soldiers of his regiment, shall be carried into execution until the whole proceedings shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post.

Article 111. Any officer who has authority to carry into execution the sentence of death or of dismissal of an officer, may suspend the same until the pleasure of the president shall be known; and in such case he shall immediately transmit to the president a copy of the order of

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suspension, together with a copy of the proceedings of the court.

Article 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

Article 113. Every judge advocate, or person acting as such, at any general court-martial shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the judge advocate-general of the army, in whose office they shall be carefully preserved.

Article 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

Article 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the president or by any commanding officer; but as courts of inquiry may be perverted to dishonorable purposes, and may

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be employed in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Article 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder to reduce the proceedings and evidence to writing.

Article 117. The recorder of a court of inquiry shall administer to the members the following oath:—

You shall well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God.

After which the president of the court shall administer to the recorder the following oath:—

You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.

Article 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses, as is given to courts-martial and the judge advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial,

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and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

Article 119. A court of inquiry shall not give an opinion on the merits of the case inquired of, unless specially ordered to do so.

Article 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

Article 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer; *provided*, that the circumstances are such that oral testimony can not be obtained.

Article 122. If, upon marches, guards, or in quarters, different corps of the army happen to join or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the president, according to the nature of the case.

Article 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the regular army and to volunteers commissioned in, or mustered into said service, under

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the laws of the United States, for a limited period.

Article 124. Officers of the militia of the several states, when called into the service of the United States, shall, on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Article 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make and transmit to the office of the deparatment of war an inventory thereof.

Article 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the department of war.

Article 127. Officers charged with the care of the effects of deceased officers or soldiers shall

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account for and deliver the same or the proceeds thereof to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

Article 128. The foregoing articles shall be read and published once in every six months to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

Section 1343. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

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APPENDIX.

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APPENDIX.

The following forms are given as examples for the purpose of securing uniformity in the different organizations of the Oregon national guard. It is not prescribed, however, that the examples must be followed litterally:—

Form A.

CONSTITUTION AND BYLAWS OF A COMPANY, TROOP, BATTERY, OR CORPS.

CONSTITUTION.

ARTICLE I.

CIVIL ORGANIZATION.

This company shall be known as and transact business under the title of _____, Oregon national guard.

ARTICLE II.

OFFICERS.

Section 1. The civil officers of this company shall be a president, secretary, and treasurer, who shall perform the duties usually appertaining to these offices, and such other duties as may be prescribed in the bylaws.

Section 2. The captain of the company shall be president and when present shall preside at all meet-

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ings of the company; when absent, the senior military officer of the company present shall preside.

Section 3. The secretary and treasurer shall be elected annually by the members of the company.

ARTICLE III.

COUNCIL OF ADMINISTRATION.

Section 1. The financial affairs of the company shall be regulated by a council of administration (or finance committee) to consist of five members; the captain, or commandant of the company shall be *ex officio* president of the council; the other four members to be elected by the members of the company at its annual meeting.

Section 2. The bylaws shall prescribe the duties of the council of administration, the duties and qualifications of officers, civil and military, the qualifications of voters.

BYLAWS.

ARTICLE I.

DUTIES OF OFFICERS

Section 1. The captain or commander of the company shall countersign all warrants on the treasurer; shall appoint such committees as may be ordered from time to time; shall be *ex officio* chairman of all committees, and shall have general supervision of the administration of the company.

Section 2. The secretary shall keep a correct roll of the members of the company. He shall keep a record of all meetings and proceedings of the company, which shall be open to the inspection of any member, and

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shall execute such other writing as the company may direct. He shall, within five (5) days after the election of every member inform him officially thereof. He shall notify every committee, through its chairman, of its appointment within three (3) days thereafter, and shall furnish him with all papers and documents that may be necessary for the transaction of the business referred to the said committee. He shall furnish the first sergeant with the names of all the members of the company. He shall preserve all books and papers that may be intrusted to him by the company, and if unable to attend any meeting, he shall send his books and papers thereto. He shall cause notices to be issued at least twenty-four hours previous to the time of each meeting at which elections of officers are to be held or amendments to the bylaws are to be acted upon, or company assessments are to be levied. He shall open an account with each member of the company, and also a separate account of fines and charges to each member. He shall collect all fines, dues, and assessments, and money coming to the company from whatever source, other than state appropriations and pay the amount collected to the treasurer, taking his receipt for the same. He shall draw warrants on the treasurer for the payment of bills when authorized to do so by the council of administration. He shall keep an account with the treasurer. He shall keep his books in such condition as to be able to report the delinquent dues and fines at any meeting. He shall submit his books and vouchers annually to the council of administration for their examination. Upon retiring from office he shall de-

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liver to his successor all the books and papers pertaining thereto, correctly made up.

Section 3. The treasurer shall receive and hold in trust all moneys belonging to the company, pay all bills or orders audited by the council of administration, taking vouchers for the same; keep a true account of all receipts and expenditures of the company, and present a monthly statement of the same at each regular meeting. If unable to attend regular meetings, he shall send his books and papers, and upon retiring from office he shall deliver to his successor all his books and accounts correctly made up, and also all funds belonging to the company in his hands, and take a receipt for the same. He shall submit his books and vouchers semiannually to the council of administration, and at such other times and to all other committees as the company may dictate.

ARTICLE II.

COUNCIL OF ADMINISTRATION.

Section 1. The council of administration shall, each month, examine and audit all bills of expense incurred by the company, and no bill will be paid from the company fund without their approval. They shall examine the books of the secretary and treasurer in April of each year, and make a written report of each examination to the annual meeting of the company.

ARTICLE III.

ELECTION OF OFFICERS.

Section 1. The election of secretary, treasurer, and members of the council of administration shall

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take place at the annual meeting of each year, and shall be by ballot or by *viva voce* vote as a majority of the qualified voters present at the meeting may determine. A majority of the votes cast shall elect. Only members who have paid their dues shall be entitled to vote, and no member shall be elected to any office who is indebted to the company for dues or fines. The commissioned officers of the company shall be elected by a majority of the qualified voters present.

ARTICLE IV.

COMPANY FUND.

Section 1. All money received from other sources than state appropriations shall constitute a company fund, which shall be kept in the hands of the treasurer, and be expended and accounted for as provided in the bylaws.

ARTICLE V.

STATE ALLOTMENTS.

Section 1. Money received from state appropriations will remain in the custody of the captain or officer receiving it, and will be expended and accounted for as required by the regulations. It will be kept separate from the company fund, and will be accounted for on the company's records in such manner as the officer responsible may direct; and the account will at all times be open to inspection by the proper authorities.

ARTICLE VI.

MEMBERSHIP.

Section 1. Any able-bodied male citizen of the state of Oregon, over sixteen years of age, five feet

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__ __ inches in height, and of good character, may apply to become a member of the company.

Section 2. Application for membership shall be signed by two active members of the company, and shall state the candidate's full name, age, height, occupation, place of business, residence, and postoffice address. The application shall be handed to the chairman of any meeting, or to the commanding officer at any drill, and shall thereupon be read to the company and posted in the armory for one (1) week, the name being referred to the recruiting committee, who shall report thereon at some meeting not earlier than the next regular drill. The application of minors must have the written consent of parent or guardians.

Section 3. All elections of active members shall be by ballot at any regular, special, or drill meeting. Five negative votes shall reject a candidate, and whose name in that case shall not be again proposed until after three months.

Section 4. Each person elected to membership shall, before being enlisted, have the constitution and bylaws of the company, the oath of enlistment, and the duties of a soldier as prescribed in the regulations carefully read or explained to him by the commanding officer of the company, and he shall sign the constitution and bylaws, promising to abide by and support the same during his membership.

Section 5. Any person who shall have received the unanimous vote of the company, shall become an honorary member of the company.

Section 6. Honorary members shall not be subject to military authority, except when drilling or parad-

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ing with the company, in which case they shall be subject to the same discipline as active members, and to the same civil and military punishment for unsoldierlike conduct while on duty. These members shall be always welcome at meetings of the company, and shall have the right to speak but not to vote, unless by consent of two thirds of the active members present.

Section 7. Honorary members shall be exempt from all dues and from all fines for nonattendance. They shall not be liable for any assessments, except when on duty with the company.

Section 8. Any member of this company having served as an active member three years, and having received an honorable discharge from the same, may, upon election by the company, be placed upon the roll of veteran corps.

Section 9. All members of the veteran corps and honorary roll shall be welcomed to all regular meetings of the company, and shall have the privilege of entering into all the discussions of the company's affairs, but shall have no vote in the determination of its question.

Section 10. Any member of this company who has served faithfully ten consecutive years, and has received an honorable discharge from the same, shall be placed upon the honorary roll of the company.

ARTICLE VII.

MEETINGS.

Section 1. The annual meeting of the company shall be held the ——— ———.

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Section 2. The _____ shall meet on the _____ for the transaction of business.

Section 3. Meetings for drill and instruction will be held on _____.

Section 4. Special meetings for business may be called at any time by the commandant on the written request of _____ active members.

Section 5. The company may be assembled for drill, inspection, or, in an emergency, by order of the commandant.

Section 6. For all special or emergency meetings, either for duty or business, the members must be each and severally notified.

Section 7. _____ active members shall constitute a quorum to transact business, and the vote of a majority of those present will govern.

Section 8. At the meeting there shall be appointed two standing committees,—an armory committee and a recruiting committee.

Section 9. At every annual meeting of the company, the presiding officer shall appoint a committee of three (3) members to act as armory committee, who shall have control of the company rooms, and whose duty it shall be to see that the same are kept in good order. They shall make such rules and regulations as may be necessary for their own government and for the maintenance of order in the premises under their charge, and have a copy of the same posted in their room. It shall be their duty to report to the company any person who shall wilfully destroy or injure any of the property or furniture in their charge.

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Section 10. A recruiting committee of three (3) members shall also be appointed at the same time, whose duty it shall be to inquire into the qualifications of all applicants for membership, and report the names of those they may deem worthy of admission to the company. It shall also be the duty of this committee to prepare the ballot-box, to see that the voting is so conducted as to be entirely secret; to file its accepted reports and approval of applications with the commandant; to present newly elected members to the company, and cause them to sign the roll. The committee shall keep a record of their actions in a book provided for the purpose, and shall make a detailed report of all enlistments at the annual meetings.

Section 11. Vacancies in committees shall be filled by the president at the next regular meeting after they occur.

Section 12. Members will attend all regular or called meetings of whatever kind unless excused by proper authority. If any member is unavoidably absent, the reason therefor must be promptly rendered as required by paragraph sixty-five of the regulations.

ARTICLE VIII.

DUES.

Section 1. All actual members shall pay into the company fund the following monthly dues:—

Captain ..... $_____
Lieutenant ..... $_____
Sergeants ..... $_____
Corporals ..... $_____
Privates ..... $_____

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Section 2. Assessments for special purposes may be levied by a two thirds vote of all of the active enrolled members, but no action for delinquency will lie against any member for failure to pay a special assessment.

ARTICLE IX.

CONDUCT AND DISCIPLINE.

Section 1. All meetings of the company will be conducted in an orderly and soldierly manner.

Section 2. The respect to authority and courtesies among members prescribed by the regulations will be rigidly required on all occasions of duty.

Section 3. Ungentlemanly or unsoldierly conduct will be promptly punished.

Section 4. When on duty or at drill strict attention must be given by all members to inspection and commands.

Section 5. Talking back to officers or noncommissioned officers on occasions of duty is prohibited.

Section 6. Government, state, or company property in the hands or under the charge of any member of the company must be cared for and protected at all hazards; any loss of, or injury to, such property, through neglect or carelessness, will be charged to the person responsible for it.

Section 7. Changing uniforms or equipments or altering them without permission from the commanding officer is prohibited.

Section 8. All rules and regulations in regard to meetings, or the company quarters, prescribed by the commandant or armory committee, will be rigidly observed.

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Section 9. Each member is required to be punctual and prompt in attendance upon all duties and to notify the first sergeant immediately in case of a change of residence or address. No member will leave any duty without being properly dismissed.

Section 10. All members are required to appear at drills and parades in the proper uniform and to have their uniform and equipments clean and in good order.

ARTICLE X.

FINES.

Section 1. The following penalties will be incurred for violation of the provisions of these bylaws and are in addition to any penalties that may be inflicted by courts-martial:

Absence from drill and regular meetings—
Commissioned officers
Noncommissioned officers
Privates
Civil officers and members of committees
For neglect of any prescribed duty by noncommissioned officers or privates
For tardiness at drills, parades or meetings
For violation of any rule or regulation of the company, or authorized committees
For ungentlemanly or unsoldierly conduct or disrespect to superior officers
For neglect of prescribed courtesies or salutes
For talking back to officers or noncommissioned officers when on duty
For the failure to properly care for property in charge
For disorderly conduct at a business meeting

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For untidy appearance at drills or parades.. _____
For appearing at a drill without the proper uniform ..... _____
For making false statements in regard to absence or to a court of discipline, or for failing to tender a reason for absence ..... _____
For the failure to report for guard duty when detailed ..... _____

Section 2. Members violating any of the provisions of these bylaws, or the regulations of the Oregon national guard, will be brought before the proper court and punished in the discretion of such court.

Section 3. Any member having received notice to appear before any military court and failing to appear will be tried as though he were present and pleaded guilty, or he may be dishonorably discharged by sentence of the court.

Section 4. All fines for delinquencies under these bylaws will be paid to the treasurer of the company, who will receipt the member for the amounts paid.

ARTICLE XI.

ADMINISTRATION.

Section 1. The members shall not meet at the armory on Sundays, except by order, or to get their equipments or accoutrements in case of need.

Section 2. No member shall handle or interfere with any of the arms or equipments, except they be his own, unless by order of the commandant or permission of the armorer.

Section 3. Any member of the company introducing a friend into the armory shall be responsible for the observance of these rules by said friend.

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Section 4. Any member or person visiting the armory shall conduct himself with decorum, and when any committee shall be in session, or any officer engaged in drilling, shall in no way disturb or interfere with such committee or officer.

Section 5. So much of the rules and regulations of the Oregon national guard as refer to the duties and discipline of the soldier shall be read to the members of the company at least once in each year.

ARTICLE XII.

ORDER OF BUSINESS.

Section 1. The order of business at regular meetings shall be:—

1. Rollcall.
2. Action upon minutes of previous meeting.
3. Collection of dues.
4. Reports of officers and standing committees.
5. Reports of special committees.
6. Unfinished business.
7. New business.
8. Discussion for good of company.
9. Adjournment.

ARTICLE XIII.

REVISION OR AMENDMENT OF BYLAWS.

Section 1. These bylaws may be altered or amended by a two thirds vote of the members present at any regular meeting, provided notification of the alteration or amendment has been given two weeks previous to such meeting. All alterations or amendments must receive the approval of the commander-in-chief before becoming operative.

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Section 2. These bylaws shall take effect when approved by the commander-in-chief.

ARTICLE XIV.

Section 1. Roberts' Rules of Order shall be the authority on questions of procedure and debate, except as herein otherwise provided.

Form B.

CHARGES AND SPECIFICATIONS.

Charges and specifications preferred against First Lieutenant Charles Tate, company X, first regiment, Oregon national guard.

Charge: drunkenness on duty.

Specification: in this, that First Lieutenant Charles Tate, company X, first regiment, Oregon national guard, being on duty as officer of the guard, was found drunk between the hours of three and six p. m.

This at Portland, in the state of Oregon, on the twenty-third day of December, eighteen hundred and ninety-five.

(Signature of officer preferring charge):

_____,

Captain, company Q, first regiment, O. N. G.

Witnesses:

_____,

_____.

Form C.

RECORD OF A GENERAL COURT-MARTIAL.

Proceedings of a general court-martial convened at Portland, Oregon, in obedience to the following order

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(here spread on the record a complete copy of the order convening the court and of all orders modifying the detail):—

ARMORY, PORTLAND, OREGON,
December 28, 1895, 8 p. m.

The court met in obedience to the foregoing order (or the court met pursuant to adjournment and to the following order).

Present: _____. (The president calls the court to order, the judge advocate calls the names of the detail for the court, and under "Present" inserts the names of those present.)

Absent: _____. (The judge advocate here inserts the names of absent members. Communications from absent members are then read, marked, and attached to the record. The failure of an officer to notify the court of the cause of his absence should appear on the record.)

The judge advocate read a letter, marked "A," from Major A. C. Allison, first regiment, stating his inability to attend on account of ill health.

The cause of absence of Captain C. E. Brown, first regiment, is unknown.

The court then proceeded to the trial of First Lieutenant Henry Morse, first regiment, Oregon national guard, who came before the court and stated that he did not wish counsel, or introduced as his counsel Mr. G. Hughes, counsellor at law, who, with the permission of the court, took his seat.

The judge advocate, with the permission of the court, then introduced, as the reporter for this trial, Mr. E. C. Miller, who was thereupon duly sworn by the judge advocate, and took his seat.

The order convening the court was then read, and the accused was asked if he objected to any member present named in the order, to which he replied in the negative, or that he objected to Captain Smith on the ground _____ (here insert the cause of challenge).

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Captain Smith, the challenged member, then stated (here insert statement of the challenged member, and if after this has been given the accused desire to place the challenged member on his *voir dire*, the record will continue).

The accused then requested that the challenged member be sworn on his *voir dire*.

Captain Smith was then duly sworn by the judge advocate and testified as follows (this, as all other testimony, should be recorded in the form of question and answer).

. The court was then cleared, the challenged member also retiring, and after deliberation it was reopened, the accused and challenged member being present, and the president announced that the challenge of the accused was sustained, and that Captain Smith was excused from serving as a member of the court in this case—or that the challenge was not sustained. (Only one member at a time can be challenged, and this form of record should be used in each instance.)

The accused was then asked if he objected to any other member present named in the order, and he replied in the negative. (The record should state this fact or show that all objections were overruled.)

The members of the court were then severally duly sworn by the judge advocate, and the judge advocate was duly sworn by the president, all of them in the presence of the accused.

All witnesses summoned in this case were now directed to withdraw from the courtroom.

The accused was then duly arraigned on the following charges and specifications (here copy the charges and specifications verbatim, except the names of the signer and witnesses). [Special pleas in bar and motions to strike out are now properly made.]

The accused pleaded to the several charges and specifications as follows:—

To the first specification, first charge, "Not guilty," or "Guilty."

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To the second specification, first charge, "Not guilty," of "Guilty."

To the first charge, "Not guilty, or "Guilty."

Captain Ralph Hall, a witness for the prosecution, being duly sworn in the presence of the accused, testified as follows:—

Direct examination: Question by the judge advocate—State your name, grade, and regiment. Answer—_____.

Cross examination: Question by accused—_____. Answer—_____. (If the accused declines to cross-examine the witness, the record should so state.) [At the close of the testimony of the prosecution the record should so state.]

The judge advocate announced that the prosecution here rested.

Corporal George Wright, a witness for the defense, being duly sworn in the presence of the accused, testified as follows:—

Question by accused—_____. Answer—_____.

The accused here stated that he had no further testimony to offer, and requested time to prepare his statement in defense.

The court granted his request, and at _____ o'clock p. m. adjourned to meet on the thirtieth instant, at eight o'clock p. m.

(Name) _____,
(Grade) _____, Judge Advocate.

SECOND DAY.

ARMORY, PORTLAND, OREGON,
December 30, 1895, 8 p. m.

The court met pursuant to adjournment.

Present: (Insert the names of those present.)

Absent: (Insert the names of those absent.)

The accused, his counsel, and the reporter were also present.

The accused declined to make a statement in his defense; or, made the following oral statement in his defense;

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or, submitted a written statement in his defense, which is marked "K," and attached to this record.

The judge advocate submitted the case without remark or submitted the following verbal statement in reply, which is marked "L," and annexed to this record.

The statement of the accused and judge advocate having been submitted, the court was cleared for deliberation.

The court, having maturely considered the evidence adduced, or, where no evidence is offered on either side, having maturely considered the case—

FINDS

The accused, First Lieutenant Charles Tate, company X, first regiment, Oregon national guard, as follows:—

On the first specification, first charge, "Guilty," or "Not guilty."

On the second specification, first charge, "Guilty," except the words "_____," and of such excepted words, "Not guilty"; of the first charge "Guilty," or "Not guilty, but guilty of."

And the court does, therefore, sentence him, First Lieutenant Charles Tate, company X, first regiment, Oregon national guard, to be cashiered, (or, to be reprimanded; or, to be fined the sum of $____).

(Signature of) _____,
Colonel, first regiment, O. N. G., president.

(Signature of) _____,
Major and judge advocate _____ brigade, O. N. G., judge advocate.

The court then at _____ p. m. adjourned until _____ p. m. of the _____ instant, (or if the case completed is the last one before the court).

There being no other business before it, the court, at _____ p. m., adjourned *sine die*.

(Signature of) _____,
Colonel, first regiment, O. N. G., president.

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(Signature of) _____,
Major and judge advocate _____ brigade, O. N. G., judge advocate.

FORM OF RECORD REVISION.

ARMORY, PORTLAND, OREGON,
December 31, 1895.

The court met with closed doors, pursuant to the following order at _____ o'clock p. m. (here copy order complete).

Present: (Insert the names of those present.)

Absent: (Insert the names of those absent, with cause therefor, as in record of trial).

The foregoing order was then read by the judge advocate, who also read to the court a communication from the reviewing officer, which is hereto attached, marked _____.

The court then proceeded to reconsider its former findings on the first specification of the first charge, or on the first charge, and in lieu thereof finds, etc., or, revokes its former sentence and in lieu thereof sentences, etc., or respectfully adheres to its former findings and sentence or corrects the record by, etc.

(Signature of) _____,
Colonel, first regiment, O. N. G., president.

(Signature of) _____,
Major and judge advocate _____ brigade, O. N. G., judge advocate.

There being no further business before it, the court, at _____ p. m., adjourned *sine die*.

(Signatures of president and judge advocate as before.)

Form 27.

NOTICE AND ACCEPTANCE OF ELECTION.

_____, OR., _____, 189__.

To _____ _____.

SIR: At an election held this day, pursuant to orders received by me, you were duly chosen to fill the

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position of _____, in the _____, Oregon national guard. I hereby notify you of your election, and request that you will signify to me your acceptance thereof within ten days after the receipt of this notice, otherwise you will be considered as declining the same.

Respectfully,

_____,

_____ and presiding officer.

Respectfully returned. I accept the office to which I have been elected. The address of my place of business is _____; of my residence _____, Oregon.

_____, 189__.

_____,

Form 28.

ASSIGNMENT OF OFFICERS COMMISSIONED.

Example of Form.

HEADQUARTERS (1)_____, O. N. G.
(2)_____
(3)_____, 189__.

(4)_____ Orders,
No. ____.

(5)_____, having been commissioned (6)_____, and having duly qualified as such and reported for duty in accordance with the instructions of the adjutant-general, is hereby assigned to duty with (7)_____ as (8)_____ and will report accordingly to (9)_____.

By (10)_____ of (11)_____.
(12)_____,
(13)_____ adjutant _____.

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NOTE.—(1) Brigade, regiment, battalion. (2) Number street, and place. (3) Date. (4) Special, if of brigade. (5) Name, Mr. John Smith, for instance. (6) Grade and organization. (7) Company E, for instance, or as the case may be. (8) Second lieutenant, quartermaster, etc. (9) The commanding officer of said company, for instance; the whole line may be crossed out if not applicable, as in cases of staff officers, or there may be added in its place "and will at once assume command thereof," as in case of colonels, captains. (10) Command or order. (11) Brigadier-general, colonel, etc., and name. (12) Signature. (13) Or assistant adjutant-general.

SIZES OF ARTICLES.

In making requisitions, use this schedule, or table, to determine the sizes of the different articles required.

OVERCOATS.

Sizes.	*Length of coat.*	*Length of cape.*	*Breast measure.*	*Waist measure.*	*Length of sleeve.*	*Length of collar.*
	Inches.	*Inches.*	*Inches.*	*Inches.*	*Inches.*	*Inches.*
1	44½	24½	36	34	32½	17
2	45	25½	38	36	33	17½
3	46	26½	41	39	33½	18½
4	47	27½	44	42	34	19½
5	48	28½	45	44	34½	20
6	49	29	46	46	35	20½

BLOUSES.

Sizes.	*Breast.*	*Length.*	*Waist.*	*Collar.*	*Length of sleeve.*
	Inches.	*Inches.*	*Inches.*	*Inches.*	*Inches.*
1	34	27	32	16	31
2	35	27½	33	16½	31½
3	36	28	34	17	32
4	38	29	36	18	33
5	40	30¼	38	19	34
6	42	30½	40	19½	34½

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TROUSERS.

Sizes.	Waist.	Seat.	Crotch.	Outside.	Inside.	Knee.	Bottom.
	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.
1	31	36	23	41	31	19	18¼
2	32	36	23	40	30	19	18½
3	32	37	23	43	33	19	18½
4	32	38	24	42	32	19½	19
5	33	38	24	41¼	31	19½	19
6	33	39	24	44½	34	19½	19
7	34	39	25	42½	32	19½	19
8	34	40	25½	45½	35	20	19½
9	36	41	26	42¾	32	20	19¼
10	36	41	26	44	33	20	19½
11	38	43	26	45	34	20½	19½
12	40	44	26½	44¼	33	20½	19½

STABLE FROCKS.

Sizes.	Breast.	Length.	Collar.	Sleeve.
	Inches.	Inches.	Inches.	Inches.
1	38	33	17	33
2	39	34	18	33½
3	40	35	19	34
4	42	37	20	34½

LEGGINGS.

Sizes.	Length.	Tops.	Ankle.	Heel to toe.
	Inches.	Inches.	Inches.	Inches.
1	11⅛	14⅛	11⅝	16¼
2	11½	14½	12	16½
3	12	15	12¼	17

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REPORTS, RETURNS, ROLLS, ETC.,

To be rendered by company, troop, battery, detachment, corps, and noncommissioned staff and band commanders.

QUARTERLY.

Last day of March, June, September, and December.

ACCOUNT-CURRENT.

Form 1.

To be made in duplicate, one copy retained by the officer accountable, the other copy forwarded to the adjutant-general, direct, accompanied by a letter of transmittal. (Paragraphs one hundred and one hundred and one of regulations.)

MUSTER ROLLS.

Form 16.

To be made out in duplicate, one copy to be retained with the organization, the other forwarded to the adjutant-general, through regular channels, accompanied by a letter of transmittal. The muster rolls to show, under "Changes since last muster," the name and date of all changes occurring during the quarter, in the "Gain" and "Loss," in each instance as directed on the printed blanks. The recapitulation to be filled in by the inspecting officer. (Paragraphs eighty-six, ninety-seven, and one hundred of regulations.)

RETURN OF PROPERTY.

Forms 30, 31.

And by all officers accountable for property, except chiefs of staff departments.

To be made in duplicate, one copy retained by the

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officer accountable, the other copy forwarded, through regular channels, accompanied by a letter of transmittal, addressed to the quartermaster-general for state property, (Form 31,) and to the chief of ordnance, for United States property (Form 30). (Paragraphs eighty-seven and one hundred of regulations.)

RETURN OF TROOPS.

Form 32.

To be made in duplicate, one copy retained with the organization, the other copy forwarded to the headquarters where the organization reports, accompanied by a letter of transmittal, addressed to the adjutant. (Paragraphs eighty-six and one hundred of regulations.) This return to be an abstract of the muster roll; to show the name and date of all changes occuring in the *personnel* of the organization during the quarter; a record of events which have occured since last return that may be of value as a matter of record of the organization, such as camps, marches, actions, etc., in which the organization or any portion of it was engaged. The return and muster roll to be forwarded at the same time. Absent sick to be reported as "Absent with leave."

WARRANT VOUCHER.

Form 50.

One copy only to be made, which should be forwarded with the account current, direct to the adjutant-general, for requisition for allowance due and unpaid at the end of the quarter; and to have written across its face, "Section twenty-five, military code," and the number of officers and men of the organiza-

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tion as shown by the muster roll at the end of the quarter. (Paragraphs ninety and one hundred and one-*d*.

MONTHLY.

MONTHLY RETURNS.

Form 56.

To be made in duplicate, one copy retained with the organization, the other copy forwarded to the headquarters to which the organization reports, accompanied by a letter of transmittal addressed to the adjutant. (Paragraph eighty-nine of regulations.)

Immediately after each drill or parade.

REPORT OF ATTENDANCE.

Form 24.

One copy to be made, which should be forwarded to the headquarters to which the organization reports, accompanied by a letter of transmittal addressed to the adjutant. (At camps or other duty, to be made daily.) The retained copy will be the duty roster, when on duty; for drills and parades the retained copy will be the rollbook.

ENLISTMENT PAPER.

Form 10.

One copy only to be made, which should be entered in the descriptive-book, and forwarded to the adjutant-general, immediately, through regular channels, accompanied by a letter of transmittal. When approved by the regimental or battalion commander, will be signed by the adjutant, and forwarded without

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delay. Upon the receipt of the enlistment paper at the adjutant-general's office, a "Certificate of enlistment," (Form 53,) will be issued, and mailed direct to the commanding officer, to be given by him to the man enlisted or reënlisted. (Paragraph two hundred and seventy-three of regulations.)

By regimental, battalion, and squadron commanders.

QUARTERLY.

CONSOLIDATED RETURNS.

Form 33.

The quarterly returns received from subdivision commanders will be consolidated at regimental, battalion, and squadron headquarters, as per printed blanks, in triplicate, one copy forwarded to the adjutant-general, through regular channels, accompanied by a letter of transmittal, one copy to brigade headquarters, and one copy retained. Under "Changes accounted for by name" will be entered, first, all gains, under proper headings as directed in the notes on the blank, beginning with the field staff and band; next, the companies and corps in regular order. Losses to be entered in a similar manner. Gains and losses to be numbered in separate series. (Attach additional cut sheets when necessary.) The difference between the "Aggregate" and "Aggregate last return" will be the "Aggregate last return," plus the total gains, less total loss. (Paragraph four hundred and thirty-six of regulations.)

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MONTHLY.

CONSOLIDATED RETURNS.

Form 57.

To be a consolidation of monthly returns received from subdivision commanders, and made out in duplicate, one copy retained at regimental, battalion, or squadron headquarters, the other forwarded to brigade headquarters, accompanied by a letter of transmittal, addressed to the assistant adjutant-general. At brigade headquarters returns of the whole command will be consolidated (Form 58) and forwarded to the adjutant-general. (Paragraph eighty-nine of regulations.)

CONSOLIDATED REPORT OF ATTENDANCE.

Form 25.

To be made in duplicate. One copy forwarded to brigade headquarters, at the end of each month, the other retained at regimental, battalion, or squadron headquarters. It is a consolidation of subdivision "Reports of attendance" for the month. Under "Date of drill" to be entered the date each organization drilled during the month. Under "Synopsis of drill" to be given the total number of minutes each organization devoted to each of the various schools of instructions during the month. (Paragraph ninety-two of regulations.)

LETTERS OF TRANSMITTAL.

All reports, returns, rolls, or other official papers required by the regulations, or by competent authority, should be forwarded to the proper officer accompanied by a letter of transmittal, addressed to that official.

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If the papers are to go direct, to be in the following form:—

_____, OREGON,
_____, 1896.

To the
Adjutant-General,
Oregon National Guard,
Salem, Oregon.

SIR:

I have the honor to trasmit herewith—

1. Form 1; account current, with _____ vouchers.
2. Form 50; warrant voucher for allowances for the quarter ending _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

(Or,)

_____, OREGON,
_____, 189____.

To the
Regimental Adjutant,
_____ Regiment,
_____ Oregon.

SIR:

I have the honor to transmit herewith—

1. Form 24; report of attendance for drill and muster held on the _____ day of _____, 189____.
2. Form 32, quarterly return for the quarter ending _____, 189____.
3. Form 56; monthly return for the month of _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

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(Or,)

_____, OREGON,
_____, 189____.

To the
Assistant Adjutant-General,
Portland, Oregon.

SIR:

I have the honor to transmit herewith—

1. Form 33; consolidated quarterly returns of the _____ regiment for the quarter ending _____, 189____.

2. Form 57, consolidated monthly returns of the _____ regiment, for the month of _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, commanding.

In either case, to be placed in an envelope addressed to the officer for whom the papers are intended. If the papers are to go through regular channels, to be in the following form:—

_____, OREGON,
_____, 189____.

To the
Adjutant-General,
Oregon National Guard,
(Through the channel,)
Salem, Oregon.

SIR:

I have the honor to transmit herewith muster rolls for the quarter ending _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

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(Or,)

_____, OREGON,
_____, 189____.

To the
Adjutant-General,
Oregon National Guard,
(Through the channel,)
Salem, Oregon.

SIR:

I have the honor to transmit herewith five of Form 10, enlistment papers, for men enlisted this date.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

(Or,)

_____, OREGON,
_____, 189____.

To the
Adjutant-General,
Oregon National Guard,
(Through the channel,)
Salem, Oregon.

SIR:

I have the honor to transmit herewith copy of consolidated quarterly returns of the _____ regiment for the quarter ending _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, commanding.

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(Or.)

_____, OREGON,
_____, 189____.

To the
Quartermaster-General,
Oregon National Guard,
(Through the channel,)
Portland, Oregon.

SIR:

I have the honor to transmit herewith returns of state property for the quarter ending _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

(Or,)

_____, OREGON,
_____, 1896.

To the
Chief of Ordnance,
Oregon National Guard,
(Through the channel,)
Portland, Oregon.

SIR:

I have the honor to transmit herewith return of United States property for the quarter ending _____, 189____.

Very respectfully,
Your obedient servant,

_____,
_____, O. N. G.

If the papers are to go through regular channels, the latter of transmittal and all papers enumerated, are to be placed in an envelope and addressed to the adjutant; if from commanders of regiments, battal-

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ions, or squadrons, to the assistant adjutant-general. Letters of transmittal are not required when papers intended for regimental headquarters, are handed to the adjutant in person, but if for transmission to higher headquarters, and handed the adjutant for transmission, they should be accompanied by a letter of transmittal. Official correspondence, susceptible of indorsements, require no letter of transmittal.

INSTRUCTIONS

For treatment of returns, reports, rolls, etc., received at regimental, battalion, or squadron headquarters from the subdivisions of the command.

Commanding officers of regiments, battalions, and squadrons will check the returns received from subdivision commanders (Forms 32 and 57) with returns received for previous period, and see that the "Aggregate" of the preceding period is correctly carried as "Aggregate, last return," and that the difference is properly accounted for by "Changes accounted for by name"; that "Changes accounted for by name" and "Record of events" are made out in accordance with the notes on the printed blanks. Muster rolls will not be forwarded till all are received and checked with the returns. At any stated inspection of companies, troops, batteries, staff corps, or bands, the commanding officer of each organization will have prepared and hand to the inspecting officer, one copy of the muster roll properly dated and signed, with list of absentees, (noting with or without leave,) as directed in the printed blanks; the list of absentees to be completed by the subdivision commanders immediately after the muster of their command. Subdivisions in-

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spected by the officer in immediate command of them will forward the completed muster rolls through the regular channels to the adjutant-general. The recapitulation will be filled in by the inspecting officer. Inspection reports (Form 14) will be forwarded by inspecting officers in all cases, properly referred to a letter of transmittal. (Paragraph eighty-six of regulations.) All papers, reports, returns, rolls, etc., received at regimental, battalion, or squadron headquarters from subdivision commanders for transmission to higher authority, will be promptly forwarded, with the original letter of transmittal, after making the necessary record and office marks thereon. No additional letter of transmittal is necessary. All blanks required will be supplied by the adjutant-general upon written request therefor, made direct to him by the officer requiring them. (Paragraph four hundred and forty of regulations.)

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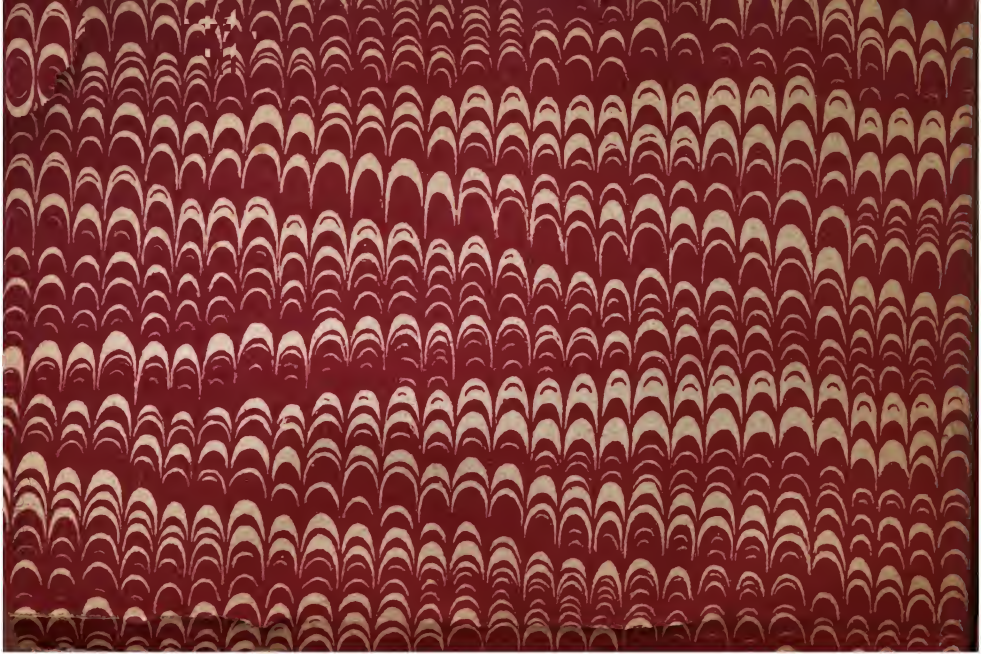
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